FINAL

Transfer of Mukilteo Tank Farm Property Washington

Environmental Assessment

October 2012

Report Documentation Page

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14. ABSTRACT

Pursuant to Federal law, the U.S. Air Force proposes to convey 18.85 acres of the Mukilteo Tank Farm Property to the Port of Everett. Transfer of a 1.1-acre portion of the property to the Department of Commerce is in progress as a Federal-to-Federal agency transfer. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) and the Air Force Environmental Impact Analysis Process (EIAP) to analyze the potential environmental consequences of the conveyance of the Mukilteo Tank Farm Property. The conveyance of the Mukilteo Tank Farm Property is required by special legislation directing the Secretary of the U.S. Air Force to convey all right, title, and interest of this parcel to the Port of Everett (Section 2866 of the Military Construction Authorization Act for Fiscal Year [FY] 2001), as amended by Section 2858 of the National Defense Authorization Act for FY 2002 (Public Law 107-107). The Air Force uses the EIAP 30-day comment period to serve as the public review period for both NEPA and the Section 106 process. The Proposed Action involves the conveyance of the 18.85 acres of the Mukilteo Tank Farm Property, including any improvements thereon, to the Port of Everett. The Excess Property Alternative involves transfer of the 18.85 acres of real property to the General Services Administration, to arrange for the eventual conveyance of the property for the highest and best use using its authorities. This alternative would occur should the transfer of the property be declined. No-Action Alternative would result in the U.S. Air Force retaining ownership of the property and maintaining existing conditions. Based on the analysis of the Proposed Action and alternatives, the Air Force has determined no significant impacts would occur to the following resource areas from the property transfer socioeconomics and environmental justice; land/shoreline use and aesthetics; transportation hazardous materials and hazardous waste management; geology and soils; water resources air quality; noise, biological resources, and cultural resources. The Proposed Action involves conveyance of property, a portion of which is within a designated flood hazard area to a nonfederal entity; the property recipient would be required to comply with applicable Federal and State laws and regulations regarding potential impacts to floodplains. Additionally, cultural resources could be impacted by conveyance to a nonfederal entity; however, a Preservation Covenant would be included in conveyance documents that would provide protections to avoid adverse effects to cultural resources. It is also important to note that the proposed future development of the Mukilteo Tank Farm Property as a multimodal ferry terminal is being addressed in a Federal Transit Administration and Washington State Department of

15. SUBJECT TERMS

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FINDING OF NO SIGNIFICANT IMPACT/
FINDING OF NO PRACTICABLE ALTERNATIVE
MUKILTEO TANK FARM PROPERTY TRANSFER,
MUKILTEO, SNOHOMISH COUNTY, WASHINGTON

INTRODUCTION

The Air Force proposes to convey approximately 18.85 acres of the Mukilteo Tank Farm property out of Federal ownership to the Port of Everett as authorized by Federal law for use in the development and operation of a port facility and other public purposes. The Air Force is also directed to transfer to the Department of Commerce administrative jurisdiction over 1.1 acres of the property associated with the Mukilteo Biological Field Facility of the National Marine Fisheries Service (NMFS) for its continuing operation as a research facility through the National Oceanic and Atmospheric Administration (NOAA) and that transfer is in progress as a separate action as a Federal-to-Federal agency transfer. The statutes authorizing these actions are Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-436), as amended by Section 2858 of the National Defense Authorization Act (NDAA) for Fiscal Year 2002 (Public Law (P.L.] 107-107).

The purpose of the action is to convey approximately 18.85 acres of the former Mukilteo Tank Farm out of Federal ownership to the Port of Everett consistent with the special legislation mentioned above. The NDAA legislation discussed above states that the Air Force may convey all right and title to the 18.85 acres of the Mukilteo Tank Farm Property to the Port of Everett. However, Air Force guidance also directs Major Commands to divest interest in any unused property, as a result, should the Port of Everett decline the property, the Air Force would use other property disposal methods available through the General Services Administration (GSA).

An environmental assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code (U.S.C.] et seq.), the Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA, promulgated at Title 40, Code of Federal Regulations (CFR), Parts 1500-1508, and the Air Force *Environmental Impact Analysis Process* (EIAP) at 32 CFR 989 to address the potential environmental impacts of proposed conveyance and transfer of the Mukilteo Tank Farm Property. The EA is attached.

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVE

The **Proposed Action** involves the conveyance of the 18.85 acres of the Mukilteo Tank Farm Property, including any improvements thereon, to the Port of Everett.

The **Excess Property Alternative** involves transfer of the 18.85 acres of real property to the GSA, to arrange for the eventual conveyance of the property for the highest and best use using its authorities. This alternative would occur should the transfer of the property be declined.

The **No-Action Alternative** would result in the U.S. Air Force retaining ownership of the property and maintaining existing conditions.

SUMMARY OF ANTICIPATED ENVIRONMENTAL CONSEQUENCES

Proposed Action. Conveying and transferring the Mukilteo Tank Farm Property out of federal ownership will have a direct effect on cultural resources and floodplains.

The Mukilteo Tank Farm Property contains known archaeological resources eligible for listing on the National Register. The proposed transfer out of federal ownership and control to the Port of Everett would be subject to a permanent Preservation Covenant, which would mitigate the environmental impacts to less than significant per 32 CFR 989.22(c). Further under the National Historic Preservation Act (NHPA), a finding of no adverse effect under Section 800.5(b) is appropriate for the Proposed Action since the Preservation Covenant provides adequate and legally enforceable conditions to ensure the long term preservation of the property's historic significance as exemplified in 800.5(a)(2)(vii).

The extreme western portion of the Mukilteo Tank Farm Property is within a 100-year flood hazard area as established by the Federal Emergency Management Agency (FEMA). This portion of property is being transferred to both the Port of Everett and the Department of Commerce. As a result, there is no practicable alternative to transferring land that is within a floodplain; therefore, in accordance with Executive Order 11988, Floodplain Management, this Finding of No Significant Impact (FONSI) includes a Finding of No Practical Alternative (FONPA) because the Proposed Action involves conveyance of property within a designated flood hazard area to a non-federal entity. The grantee, transferee, and any successors in interest will be required to comply with applicable Federal and State law and regulations regarding potential impacts to floodplains.

In executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur when the property is redeveloped in the future as a multimodal ferry terminal. These potential indirect and cumulative effects are described below.

Redevelopment of the property will result in a short-term increase in construction jobs and result mostly in a relocation of jobs from the existing ferry terminal; therefore, no significant increase in the City of Mukilteo or the City of Everett workforce is anticipated. Potential impacts are generally localized to the Tank Farm Property; therefore, disproportionate high and adverse impacts to minority, low-income, and youth populations are not expected.

The ferry terminal development is consistent with the City of Mukilteo Comprehensive Plan. The long-term effect of removing older unmaintained buildings/structures and constructing new modern structures will result in a positive aesthetic effect on the area.

Daily ferry service will continue, and sailing time between Mukilteo and Clinton will remain approximately 15 minutes each way. Because the new ferry terminal will be developed on a different site away from the existing terminal, no interruption in ferry service is anticipated. Proposed road improvements and vehicle parking associated with the proposed ferry terminal will maintain acceptable intersection level of service and provide adequate parking for employees and passengers.

Hazardous materials and hazardous waste (including asbestos and lead-based paint) will be managed in accordance with applicable regulations no significant impacts are anticipated. Efforts to remediate contamination on the property have received regulator concurrence with no further action required determinations. A site-specific Soil Excavation, Sampling, and Disposal Plan would be prepared to identify site-specific measures to minimize exposure to contaminants through both airborne and direct contact routes. The plan would outline sampling requirements for excavated soil that is to be disposed of off-site to ensure disposal in accordance with applicable regulatory or permit specifications. Removal, management, and disposal of residual petroleum products and petroleum-contaminated soil encountered would be performed in accordance with applicable regulations. Any remaining monitoring wells would be abandoned by a licensed well driller in accordance with state regulations. Future use of the property is not anticipated to be affected by past sites of contamination.

Management practices required by the developer's Construction Site Storm Water National Pollutant Discharge Elimination System (NPDES) permit and Storm Water Pollution Prevention Plan (SWPPP) will be implemented during demolition and construction activities; therefore, no significant impacts to geology and soils or water resources are anticipated. As discussed above, the extreme western portion of the Mukilteo Tank Farm Property is within a 100-year flood hazard area. This portion of property is being transferred to both the Port of Everett and the Department of Commerce. As a result, there is no practicable alternative to transferring land that is within a floodplain; therefore, this FONSI includes a FONPA because the Proposed Action involves conveyance of property within a designated flood hazard area to a non-federal entity. The grantee, transferee, and any successors in interest will be required to comply with applicable Federal and State law and regulations regarding potential impacts to floodplains.

Construction and demolition activities will result in short-term air quality impacts. However, emissions associated with redevelopment and operational activities will not hinder maintenance of the National Ambient Air Quality Standards (NAAQS).

Noise generated from demolition and construction activities will be intermittent and short term, and will primarily occur on the property. Once demolition and construction activities are completed, noise from ferry operations will not be substantially different from current operations.

Demolition and construction activities will create a short-term impact to wildlife. Most species on the property are common and are disturbance-tolerant. Due to the developed nature of the Mukilteo Tank Farm Property, suitable habitat for terrestrial threatened and endangered species does not exist. Therefore, no significant impacts to terrestrial threatened and endangered species are anticipated. It is possible that the endangered bull trout and endangered marbled murrelets utilize the nearshore waters parallel to the property. Temporary disturbance or displacement of these species, if present, may occur during removal of the existing pier and construction of the new ferry terminal. Once pier removal and construction activities are completed, these species, if present, will likely return to the area. No wetlands or other sensitive habitats have been identified on the property. Pier removal will eliminate a large source of creosote in the environment and eliminate approximately 131,000 square feet of over-water structure, allowing more sunlight, possibly aiding macroalgae and eelgrass growth. Beneficial effects will result from daylighting a portion of Japanese Creek, which will restore riparian and aquatic habitat. This activity would be conducted by an agency that is yet to be identified.

As discussed above, the proposed transfer would be subject to a permanent Preservation Covenant that provides adequate and legally enforceable conditions to ensure the long-term preservation of the property's historic significance. The Mukilteo Tank Farm property contains known National Register of Historic Places (NRHP)-eligible sites. If an action may adversely affect an NRHP property, and the action cannot be revised to avoid the adverse effect, mitigation measures will be developed in consultation with the Washington Department of Archaeology and Historic Preservation (DAHP) and appropriate consulting parties, prior to project implementation.

Excess Property Alternative. Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts from implementation of this alternative would be similar to those discussed for the Proposed Action.

No-Action Alternative. Under the No-Action Alternative, the federally authorized conveyance and transfer would not occur. There would be no change from the current conditions for socioeconomics and environmental justice, land/shoreline use and aesthetics, transportation, hazardous materials and waste management, geology and soils, water resources, air quality, noise, biological resources, and cultural resources. No significant impacts are anticipated from implementation of the No-Action Alternative.

PUBLIC REVIEW

In accordance with Air Force policy, a notice of availability for the Draft EA and FONSI/FONPA was published in The Mukilteo and Everett Beacon, Seattle Times, The Everett Herald, Whidbey News Times, and Whidbey Examiner, announcing the 30-day public review. The comment period under Section 106 of the National Historic Preservation Act occurred simultaneously with the EIAP comment period. The Draft EA and FONSI/FONPA were mailed to agencies, municipalities, interested groups, and tribes, and was placed in local libraries for general public viewing.

FINDING OF NO PRACTICABLE ALTERNATIVE

EO 11988, Floodplain Management (May 24, 1977), requires Federal agencies to avoid to the maximum extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accordance with NOAA legislation discussed above, the Air Force will convey all right and title to the 18.85 acres of the Mukilteo Tank Farm Property to the Port of Everett (a portion of which lies within a l 00-year flood hazard area). Considering the information contained herein (including the attached AF Form 813), in accordance with EO 11988, and pursuant to the authority delegated under SAFO 791.1, I find that there is no practicable alternative to completing the proposed project within the 100-year coastal floodplain. The Proposed Action, as designed, includes all practicable measures to minimize harm to and within the coastal floodplain.

FINDING OF NO SIGNIFICANT IMPACT

In accordance with the CEQ regulations implementing NEPA, as amended, and the Air Force Environmental Impact Analysis Process, 32 CFR 989, an assessment of the identified environmental effects has been prepared for the proposed transfer of the Mukilteo Tank Farm property. The Air Force concludes that the Proposed Action will have no significant impact on the quality of the human environment; thus, an Environmental Impact Statement is not warranted.

TIMOTHY S. GREEN

26 Oct 12
Date

Brigadier General, USAF
Director, Installations & Mission Support
Air Mobility Command
Scott Air Force Base, Illinois

Attachment: Environmental Assessment

Final
Environmental Assessment
for the Transfer of the
Mukilteo Tank Farm Property
Snohomish County, Washington

October 2012

COVER SHEET
ENVIRONMENTAL ASSESSMENT
for the Transfer of the Mukilteo Tank Farm Property
Snohomish County, Washington

a. Lead Agency: U.S. Air Force/Air Mobility Command

b. Proposed Action: Convey 18.85 acres of real property commonly known as the Mukilteo Tank Farm, Snohomish County, Washington to the Port of Everett. Transfer of a 1.1-acre portion of the property to the Department of Commerce is in progress as a separate action as a Federal-to-Federal agency transfer.

c. Written comments and inquiries regarding this document should be directed to: Mr. Doug Allbright, Chief, Integrated Planning Branch, HQ AMC/A7PI, 507 Symington Drive, Scott AFB, IL, 62225

d. Designation: Environmental Assessment (EA)

e. Abstract: Pursuant to Federal law, the U.S. Air Force proposes to convey 18.85 acres of the Mukilteo Tank Farm Property to the Port of Everett. Transfer of a 1.1-acre portion of the property to the Department of Commerce is in progress as a Federal-to-Federal agency transfer. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) and the Air Force Environmental Impact Analysis Process (EIAP) to analyze the potential environmental consequences of the conveyance of the Mukilteo Tank Farm Property. The conveyance of the Mukilteo Tank Farm Property is required by special legislation directing the Secretary of the U.S. Air Force to convey all right, title, and interest of this parcel to the Port of Everett (Section 2866 of the Military Construction Authorization Act for Fiscal Year [FY] 2001), as amended by Section 2858 of the National Defense Authorization Act for FY 2002 (Public Law 107-107). The Air Force uses the EIAP 30-day comment period to serve as the public review period for both NEPA and the Section 106 process.

The **Proposed Action** involves the conveyance of the 18.85 acres of the Mukilteo Tank Farm Property, including any improvements thereon, to the Port of Everett. The **Excess Property Alternative** involves transfer of the 18.85 acres of real property to the General Services Administration, to arrange for the eventual conveyance of the property for the highest and best use using its authorities. This alternative would occur should the transfer of the property be declined. **No-Action Alternative** would result in the U.S. Air Force retaining ownership of the property and maintaining existing conditions.

Based on the analysis of the Proposed Action and alternatives, the Air Force has determined no significant impacts would occur to the following resource areas from the property transfer: socioeconomics and environmental justice; land/shoreline use and aesthetics; transportation; hazardous materials and hazardous waste management; geology and soils; water resources; air quality; noise, biological resources, and cultural resources. The Proposed Action involves conveyance of property, a portion of which is within a designated flood hazard area to a non-federal entity; the property recipient would be required to comply with applicable Federal and State laws and regulations regarding potential impacts to floodplains. Additionally, cultural resources could be impacted by conveyance to a nonfederal entity; however, a Preservation Covenant would be included in conveyance documents that would provide protections to avoid adverse effects to cultural resources.

It is also important to note that the proposed future development of the Mukilteo Tank Farm Property as a multimodal ferry terminal is being addressed in a Federal Transit Administration and Washington State Department of Transportation, Ferries Division, Environmental Impact Statement (EIS). The Air Force is a cooperating agency in the preparation of the EIS. Opportunity exists for agency, tribal, and public participation in their ongoing EIS. When and where appropriate, the Air Force has incorporated pertinent portions of the EIS pertaining to indirect effects and cumulative impacts into this EA.

TABLE OF CONTENTS

TABLE OF CONTENTS
(Continued)

TABLE OF CONTENTS
(Continued)

TABLE OF CONTENTS
(Continued)

APPENDICES

TABLE OF CONTENTS
(Continued)

FIGURES

TABLES

ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
AFB	Air Force Base
AFI	Air Force Instruction
AHERA	Asbestos Hazard Emergency Response Act
AMC	Air Mobility Command
ARPA	Archaeological Resources Protection Act
AST	aboveground storage tank
AVGAS	aviation gasoline
BGS	below ground surface
BMP	best management practice
BNSF	Burlington Northern-Santa Fe
BTEX	benzene, toluene, ethylbenzene, and xylene
CAA	Clean Air Act
CATEX	Categorical Exclusion
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CMP	Compliance Monitoring Program
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	CO_2 equivalent
cPAH	carcinogenic polycyclic aromatic hydrocarbon
CPSC	Consumer Product Safety Commission
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DAHP	Department of Archaeology and Historic Preservation
dB	decibel
DB	Downtown Business
dBA	A-weighted sound level
DESC	Defense Energy Support Center
DFSP	Defense Fuel Support Point
DLA	Defense Logistics Agency
DMMP	Dredged Material Management Program
DNR	Department of Natural Resources
DOD	Department of Defense
EA	environmental assessment
EBS	Environmental Baseline Survey
EFH	Essential Fish Habitat
EIAP	Environmental Impact Analysis Process
EIS	environmental impact statement
EO	Executive Order
EPA	Environmental Protection Agency

ACRONYMS AND ABBREVIATIONS
(Continued)

EPCRA	Emergency Planning and Community Right-to-Know Act
ESU	Evolutionary Significant Unit
FEMA	Federal Emergency Management Agency
FONPA	Finding of No Practicable Alternative
FSII	fuel system icing inhibitor
FTA	Federal Transit Administration
FY	Fiscal Year
GSA	General Services Administration
HPA	Hydraulic Project Approval
JP-4	Jet Propulsion Fuel, Grade 4
LBP	lead-based paint
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
$\mu g/m^3$	micrograms per cubic meter
mg/l	milligrams per liter
MOA	Memorandum of Agreement
mph	miles per hour
MSAT	Mobile Source Air Toxic
MSL	Mean Sea Level
MTCA	Model Toxics Control Act
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
National Register	National Register of Historic Places
NDAA	National Defense Authorization Act
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NO_X	nitrogen oxide
NO_2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
OS	Open Space
OSHA	Occupational Safety and Health Administration
PBC	Public Benefit Conveyance
PCB	polychlorinated biphenyl
P.L.	Public Law
$PM_{2.5}$	particulate matter equal to or less than 2.5 micron in diameter
PM_{10}	particulate matter equal to or less than 10 micron in diameter
POL	petroleum, oil, lubricant
ppm	part per million
PSCAA	Puget Sound Clean Air Agency
RA	Remedial Action

ACRONYMS AND ABBREVIATIONS
(Continued)

RCRA	Resources Conservation and Recovery Act
RCW	Revised Code of Washington
RI/FS	Remedial Investigation/Feasibility Study
ROI	region of influence
R-S	Suburban Residential
RTP	regional transportation plan
SEPA	State Environmental Policy Act
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO_2	sulfur dioxide
SQS	Sediment Quality Standards
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
TCLP	Toxic Characteristic Leaching Procedure
TIP	Transportation Improvement Program
TSCA	Toxic Substances Control Act
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
VOC	volatile organic compound
WAC	Washington Administrative Code
W-C	Waterfront Commercial
WDOE	Washington Department of Ecology
WMU	Waterfront Mixed Use
WSDOT	Washington State Department of Transportation
WSF	Washington State Ferries

1.0 PURPOSE AND NEED FOR ACTION

1.1 INTRODUCTION

This document has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 4321, et seq.), the Council on Environmental Quality (CEQ) NEPA implementation regulations (40 Code o f Federal Regulations [CFR] Parts 1500-1508), and Air Force NEPA implementation regulations (32 CFR Part 989).

This Environmental Assessment (EA) was prepared in accordance with NEPA to fulfill the requirements of the U.S. Air Force Environmental Impact Analysis Process (EIAP) for the conveyance of 18.85 acres of the Mukilteo Tank Farm Property, which is also known as the Defense Fuel Support Point (DFSP), Mukilteo.

The Secretary of the Air Force is authorized by Federal law and proposes to convey approximately 18.85 acres of the Mukilteo Tank Farm property, with all improvements (including the Pier), out of Federal ownership to the Port of Everett as authorized by Federal law for use in the development and operation of a port facility and other public purposes. The Air Force was also directed to transfer to the Department of Commerce, administrative jurisdiction over 1.1 acres of the property associated with the Mukilteo Biological Field Facility of the National Marine Fisheries Service (NMFS) for its continuing operation as a research facility through the National Oceanic and Atmospheric Administration (NOAA). The transfer of administrative control over the 1.1-acre tract from the Air Force to another Federal agency qualified for Categorical Exclusion (CATEX) from the requirements for environmental impact analysis under NEPA (CATEX - A2.3.18). The Air Force prepared AF Form 813 detailing this CATEX (Appendix E) (U.S. Air Force, 2012a). The statute authorizing the conveyance is Section 2866 of the Military Construction Authorization Act for Fiscal Year (FY) 2001 (division B of the Spence Act; 114 Stat. 1654A-436), as amended by Section 2858 of the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107) (Appendix A).

1.2 PURPOSE OF THE ACTION

The purpose of the action is to convey approximately 18.85 acres of the former Mukilteo Tank Farm out of Federal ownership to the Port of Everett consistent with the special legislation mentioned above. The NDAA legislation discussed above states that the Air Force may convey all right and title to the 18.85 acres of the Mukilteo Tank Farm Property to the Port of Everett. However, Air Force guidance also directs Major Commands to divest interest in any unused property, as a result, should the Port of Everett decline the property, the Air Force would use other property disposal methods available through the General Services Administration.

1.3 NEED FOR THE ACTION

The need for action results from the cessation of the operation of the Mukilteo Tank Farm fuel facilities and the Military Construction Authorization Act for FY 2001, which requires the Secretary of the Air Force to convey all right, title, and interest of the United States in and to the parcel of real property at the Mukilteo Tank Farm. The authorizations reflect the intent of Congress that Air Force transfer the land as provided in the special legislation.

1.4 LOCATION OF THE PROPOSED ACTION

The Mukilteo Tank Farm Property is situated within the city limits of Mukilteo and Everett, Snohomish County, Washington (Figure 1-1). The property is located on the shore of Possession Sound, an embayment of the inland marine waters of Puget Sound. The legal description of the property is:

A parcel of land located in the south half of Sections 33 and Section 34 of Township 29 North, Range 4 East and the north half of Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, further described as follows:

Bounded on the south by the northerly right-of-way line of the Burlington Northern - Santa Fe (BNSF) Railway; bounded on the west by the easterly right-of-way of Park Avenue; bounded on the north by Possession Sound lowest tide line [-4.5 feet estimated]); bounded on the east by the east line of Government Lot 1 of Section 34, adjacent to the Port of Everett Mount Baker Terminal, also known as the Rail/Barge Transfer Facility (Figure 1-2).

1.5 SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The scope of this EA is limited to the conveyance of the Mukilteo Tank Farm Property, which would have few, if any, direct environmental effects. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur. This EA, therefore, analyzes reasonably foreseeable development scenarios to determine potential indirect environmental effects and cumulative impacts. Potential impacts associated with the Proposed Action and Excess Property Alternative are evaluated against the No-Action Alternative.

Analysis and public participation associated with the proposed future development of the Mukilteo Tank Farm Property as a multimodal ferry terminal is being addressed in an Environmental Impact Statement (EIS) prepared by the Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), Ferries Division (WSDOT/FTA, 2012a). The Air Force is a cooperating agency in the preparation of the EIS. The Draft EIS was released for public review in January 2012 and the locally preferred alternative, Elliot Point 2 Alternative, was announced in June 2012.

1.6 PUBLIC COMMENT PROCESS

The Draft EA was made available for public review and comment in August-September 2012. Copies of the Draft EA were made available for review in local libraries and provided to individuals and agencies listed in Chapter 6 of the EA. Comments were reviewed and addressed, when applicable, and have been included in their entirety in this document (Appendix F). Comments simply stating facts or opinions, although appreciated, did not require specific response.

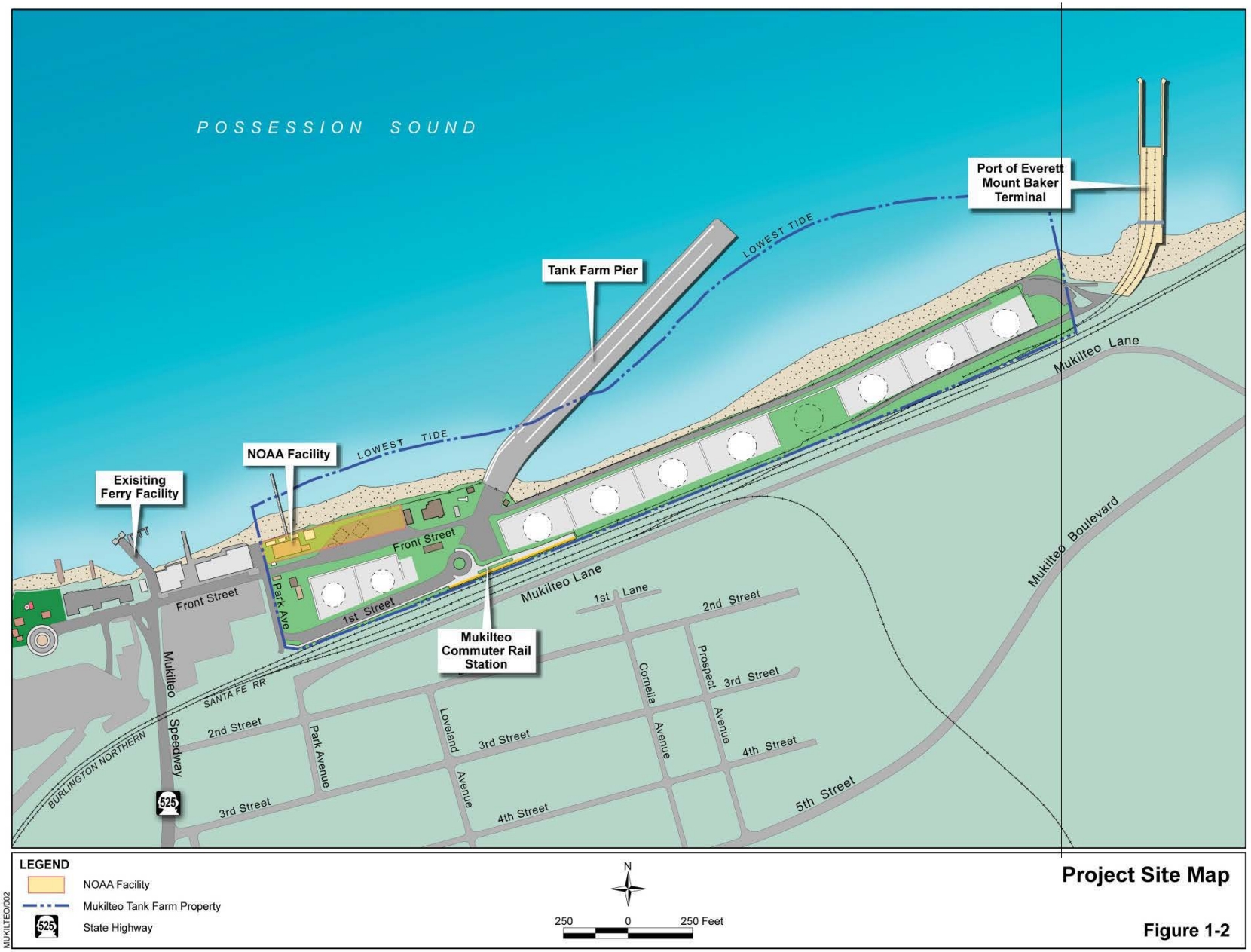
1.6.1 Changes from the Draft EA to the Final EA

The text of this EA has been revised, when appropriate, to reflect concerns expressed in public comments. Based on more recent studies or comments from the public, the following sections of the EA have been updated or revised:

- Section 3.5.2 and 4.12.4.4 have been updated to incorporate recent findings for soil and sediment sampling efforts.

Project Vicinity Map

Figure 1-1


POSSESSION SOUND
Port of Everett Mount Baker Terminal
LOWEST TIDE
Tank Farm Pier
Mukilteo Lane
LOWEST TIDE
NOAA Facility
Exisiting Ferry Facility
Front Street
Park Ave
1st Street
Mukilteo Lane
Mukilteo Boulevard
1st Lane
2nd Street
Mukilteo Commuter Rail Station
Front Street
Mukilteo Speedway
SANTA FE RR
BURLINGTON NORTHERN
2nd Street
Park Avenue
Loveland Avenue
3rd Street
Cornelia Avenue
Prospect Avenue
3rd Street
4th Street
3rd Street
4th Street
5th Street
525
LEGEND
NOAA Facility
Mukilteo Tank Farm Property
State Highway
N
250 0 250 Feet
Project Site Map
Figure 1-2
MUKILTEO/002

- Section 3.11 has been updated to provide additional discussion of the prehistoric use of the tank farm property.

- Section 4.12.3 has been updated to clarify current public access at the Port of Everett Rail/Barge Transfer Facility site.

- Sections 4.12.4.4, 4.12.4.5, and 4.12.4.6 have been updated to clarify potential effects of the proposed project (construction and operations) on sedimentation patterns.

- The list of agencies and individuals receiving a copy of the EA has been added as Section 6.0.

- Appendix F, Comments Received During Public Review, has been added to provide specific letters of comments received during the public review period.

1.7 APPLICABLE REGULATORY REQUIREMENTS AND REQUIRED COORDINATION

In addition to compliance with the Preservation Covenant, the property recipient, and/or developer of the Mukilteo Tank Farm Property responsible for conducting demolition/construction activities, would be required to obtain required federal, state, and local permits.

McChord Air Force Base (AFB) previously released a Draft EA addressing the potential impacts of conveyance of the Mukilteo Tank Farm Property for public and agency review in March 2009. Based on comments received during the public comment period, Headquarters Air Mobility Command (AMC) revised the Draft EA and released the document for public comment again in July 2010. The inputs received on both Draft EAs resulted in the Air Force continuing its ownership until the proposed conveyance can be accomplished. The analysis of future development of the Mukilteo Tank Farm Property as a multimodal ferry terminal is addressed in this EA (as an indirect and cumulative effect of property conveyance) and is being fully analyzed in an EIS prepared by the FTA/WSDOT, and its Ferries Division. The Air Force is a cooperating agency in the preparation of the EIS. When appropriate, the Air Force has incorporated pertinent portions of the EIS into this EA.

1.8 RELATED ENVIRONMENTAL DOCUMENTS

The documents listed below have been prepared for the Mukilteo Tank Farm Property or for projects in the vicinity of the property. These documents provided supporting information for the environmental analysis contained within this EA.

The Final Environmental Impact Statement for the Everett-to-Seattle Commuter Rail Project prepared by Sound Transit analyzed the potential environmental impacts of building and operating a 35-mile rail corridor (with several station locations) between the cities of Everett and Seattle (Sound Transit, 1999). The project would provide high capacity transit service among the coastal communities of Everett, Mukilteo, Edmonds, and Seattle to link into the regional transit system during peak commute hours. This EIS provided baseline information for the affected environment at the Mukilteo Tank Farm Property.

The Final Environmental Impact Statement for Proposed Satellite Rail/Barge Transfer Facility prepared by the Port of Everett analyzed the potential environmental impacts from developing the property as a rail/barge transfer facility (Port of Everett, 2004). This EIS provided baseline information for the affected environment at the Mukilteo Tank Farm Property.

The Mukilteo Multimodal Project Draft Environmental Impact Statement prepared by the FTA/WSDOT to address the potential environmental impacts of developing the property as a multimodal ferry terminal was released for public review in January 2012 (WSDOT/FTA, 2012a). This EIS provided baseline information for the affected environment and provided additional analysis regarding the potential environmental effects of developing a multimodal ferry terminal complex on the Mukilteo Tank Farm Property.

P.L. 107-107, Sect 2858 directs the Air Force shall transfer administrative jurisdiction of the 1.1-acre property to the Department of Commerce. The Air Force investigated numerous avenues and determined the best option was transfer under existing federal to federal property transfer authority. The Air Force is proposing to transfer to the Department of Commerce, administrative jurisdiction over 1.1 acres of the property associated with the Mukilteo Biological Field Facility of the NMFS for its continuing operation as a research facility through NOAA. The transfer of administrative control over the 1.1-acre tract from the Air Force to another Federal agency qualified for a CATEX from the requirements for environmental impact analysis under NEPA (CATEX A2.3.18). The Air Force prepared AF Form 813 detailing this CATEX (Appendix E) (U.S. Air Force, 2012a). Because the process to transfer the 1.1-acre area is ongoing, this portion of the Mukilteo Tank Farm Property is included in the analysis of this EA in the event that the Department of Commerce determines the proposed transfer is not in the best interest of the agency.

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This chapter describes the Proposed Action and alternatives for the conveyance of Air Force property at the Mukilteo Tank Farm, as well as the No-Action Alternative. The potential environmental impacts of the Proposed Action and alternatives are summarized in Table 2-1 at the end of this chapter.

The Proposed Action involves the conveyance of all right, title, and interest of the United States in and to the 18.85-acre parcel of real property known as the Mukilteo Tank Farm, including improvements thereon and easements associated therewith, to the Port of Everett, Washington. Analysis of the No-Action Alternative is required by NEPA even though it would not exercise the statutory authority contained in the special legislation, and it would maintain Air Force ownership and continue existing site conditions.

Consistent with the Air Force purpose and need, including the special legislation, the following alternatives have been developed:

The **Proposed Action** involves conveyance of the property to the Port of Everett pursuant to the special legislation.

The **Excess Property Alternative** involves transfer of the property to the General Services Administration (GSA) who would in turn use its excess authorities to dispose of the property. Analysis involves redevelopment of the property at its highest and best use consistent with local zoning.

The **No-Action Alternative** would involve the Air Force retaining the Mukilteo Tank Farm Property and maintaining it essentially in caretaker status.

The potential use of existing site infrastructure and facilities, and/or their demolition and replacement were considered in the cumulative and indirect effects analysis. Currently, the installation infrastructure include various buildings, utility-related facilities or systems, and non-building facilities such as roads, parking, concrete pads, lighting, etc.

Regardless of which action occurs, the Port of Everett and Sound Transit would need to re-negotiate ingress/egress and operational authority with the new owner post Air Force transfer. Some delay in executing a transfer may occur between the time released by the Air Force and GSA finalizes the transfer of ownership. This delay may affect day-to-day Port of Everett and Sound Transit operations.

2.1 DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action would convey 18.85 acres of real property to the Port of Everett, Washington. The property consists of the Mukilteo Tank Farm, located within the city limits of Mukilteo and Everett, Washington (see Figure 1-2). The conveyance of the Mukilteo Tank Farm is the subject of special legislation authorizing the Secretary of the Air Force to convey all right, title, and interest of the United States in the property without consideration to the Port of Everett (Appendix A).

The Proposed Action would require the preparation of a quitclaim deed, which conveys Air Force interests to the property (including the pier) to the Port of Everett. The conveyance documents would include a Preservation Covenant and certain conditions. The Preservation Covenant includes legally enforceable conditions to ensure the long-term preservation of the property's

historic significance to include a requirement to consult with affiliated federally-recognized Tribal governments as well as the Washington Department of Archaeology and Historic Preservation (DAHP) (Appendix B). Additionally, prior to transfer of the pier from federal ownership, an agreement would need to be executed between the Washington Department of Natural Resources (DNR) and land owner of the property regarding pier removal, or alternatively, bedland leasing in accordance with the Revised Code of Washington (RCW) Chapter 79.125.400 or 29.125.700 on Aquatic Lands - Tidelands and Shorelands. Other conditions provide for a Department of Defense (DOD) right of reentry in the event circumstances warrant actions on behalf of the DOD. Potential future circumstances could include, but are not limited to, the discovery of significant contaminants attributable to legacy DOD operations on the property. The right of entry would allow DOD access to the property until the subject environmental or other public safety responsibilities are met. The conditions would not affect ownership of or jurisdiction over the property interests resulting from the Proposed Action. The Air Force shall provide a warranty to the transferee stating that all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of transfer. Any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States. This warranty shall not apply in any case in which the person or entity to whom the real property is transferred is a potentially responsible party.

2.2 EXCESS PROPERTY ALTERNATIVE

This alternative allows the GSA's Office of Property Disposal to assist state and local governments, eligible public institutions, and non-profit organizations in acquiring real property that is surplus to the needs of the Federal Government. Surplus properties that are not conveyed to eligible recipients for public purpose are sold by Property Disposal to private individuals and companies by competitive bid at fair market value. The GSA tries to balance benefits to local communities and maximize returns to taxpayers as unneeded Federal property is transferred to productive and often tax-generating use.

When disposing of federal property, the GSA Office of Real Property Disposal follows a process mandated by Federal Law and Executive Orders (however, not every property goes through the same disposal process). If a Federal agency no longer needs a property to carry out its program responsibilities, it reports this property as "excess" to its needs. GSA first offers excess property to other Federal agencies. If another Federal agency identifies a need, the property can be transferred to that agency.

If there is no further need for the property within the Federal government, the property is determined "surplus" and may be made available for other uses through a Public Benefit Conveyance (PBC), transfer for homeless use, negotiated sales for public use, or public sales based on GSA’s determination of the property's highest and best use.

If a property is suitable to assist the homeless, according to the Department of Housing and Urban Development, GSA must first offer the property as a homeless conveyance before any other public uses can be considered. As a PBC, the property can be substantially discounted in price (up to 100 percent reduction in fair market value) if it is used for a qualified public use.

Based on the property's location, the appropriate GSA regional office writes to the Governor of the State or territory, clerk of the county, Mayor of the city or town, and any regional and metropolitan comprehensive planning agencies that may be concerned with the property's ultimate use. A public agency or institution has 30 days from the date on the notice to advise the GSA regional office of interest in the property. The response should include the applicable

legislation and indicate how much time is needed to prepare and submit a formal application. If the application is approved the property may be conveyed for the approved public use.

The GSA can also negotiate a sale at appraised fair market value with a state or local government if the property would be used for another public purpose. This transaction offers State or local governments the right of first refusal on a property before it is offered to the general public. A locality could purchase the site and then use it to foster economic development in the area. This enables the locality to use the property according to its redevelopment needs. A negotiated sale can return a property to local or State tax rolls and also spur economic development and address community social needs.

If state and local governments or other eligible nonprofit organizations do not wish to acquire the property, the GSA can dispose of surplus property via a competitive sale to the public, generally through a sealed bid or auction. The appraised fair market value is used as a guide to sell Federal real estate.

2.3 NO-ACTION ALTERNATIVE

Under the No-Action Alternative, the Air Force would retain the Mukilteo Tank Farm Property and maintain it in caretaker status. The property would be preserved (i.e., placed in a condition intended to limit deterioration and ensure public safety). No permanent employment would result and only maintenance associated with caretaker operations would be conducted. No demolition or construction activities would occur.

Because the Air Force would retain administrative jurisdiction over the Mukilteo Tank Farm Property, the 1.1-acre portion of the property that is proposed for transfer to the Department of Commerce for the continuing operation of the Mukilteo Biological Field Facility would continue to be pursued and operations at the NOAA facility are anticipated to continue.

The No-Action Alternative is not viable as it would not exercise the statutory authority contained in the special legislation to convey the property, nor meet the Air Force goal for decreasing real estate costs 20 percent by the year 2020. However, in accordance with NEPA, this alternative is evaluated as it provides a baseline for analysis.

2.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER STUDY

Several potential alternatives to the Proposed Action were considered but eliminated from further consideration. These alternatives and the reasons for their elimination include the following:

1. Transfer the entire Mukilteo Tank Farm Property to another federal agency (e.g., Department of Commerce). This option was eliminated because such a transfer is not provided for in the special legislation (Section 2866 of the Military Construction Authorization Act for FY 2001, division B of the Spence Act; 114 Stat. 1654A-436, as amended by Section 2858 of the NDAA for FY 2002 [P.L. 107-107]), nor would it meet the objective of affording opportunity for development of public projects on the property. Additionally, in direct discussions between the Air Force and NOAA staff, no interest was expressed for the entire property.

2. Execute long-term leases to the Port of Everett and Sound Transit consistent with their current use and operations on/around the tank farm. This option was eliminated because it would not meet the objective of complying with the Military Construction Authorization Act for FY 2001, and would impede responsible waterfront redevelopment leaving the Air Force with maintenance responsibilities.

2.5 IDENTIFICATION OF THE PREFERRED ALTERNATIVE

The Air Force's preferred alternative for this EA is to implement the Proposed Action as described in Section 2.1.

2.6 OTHER FUTURE ACTIONS IN THE REGION

Cumulative impacts result from "the incremental impact of actions when added to other past, present, and reasonably foreseeable future actions regardless of what agency undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (Council on Environmental Quality, 1978).

Other future actions in the region were evaluated to determine whether cumulative environmental impacts could result due to the implementation of Air Force property conveyance actions in conjunction with other past, present, or reasonably foreseeable future actions. Other actions that would occur in the region include:

- Construction and Operation of the Proposed Mukilteo Multimodal Ferry Terminal
- Operation of the Port of Everett rail/barge transfer facility
- Expanded use of the Sound Transit Mukilteo Station.

A description of these actions and potential environmental effects of implementing these actions is provided in Section 4.12, Indirect and Cumulative Effects Associated with the Proposed Action and Excess Property Alternative.

2.7 COMPARISON OF THE ENVIRONMENTAL IMPACTS OF ALTERNATIVES

Table 2-1 compares the potential direct, indirect, and cumulative environmental, physical, cultural, and socioeconomic impacts of the alternatives described above.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Excess Property Alternative	No-Action Alternative
Socioeconomics and Environmental Justice	Impacts • No direct impact from conveyance. • No on-site population. • No disproportionately high and adverse impacts to low income, minority, or youth populations have been identified. • No significant impacts are anticipated. • Cumulatively, ferry terminal employees relocated from current operations west of the property. • Cumulatively, approximately 380 short-term construction jobs. Mitigation Measures • None.	Impacts • Potential direct impacts would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • No change in on-site employment. • No on-site population. • No disproportionately high and adverse impacts to low income, minority, or youth populations have been identified. • No impacts are anticipated. Mitigation Measures • None.
Land/Shoreline Use and Aesthetics	Impacts • No direct impact from conveyance. • No significant impacts are anticipated. • Cumulatively, compatible with adjacent land uses and consistent with the City of Mukilteo Comprehensive Plan. • Cumulatively, change in appearance of the property consistent with existing urban visual character of the area. • Cumulative effect of removing older facilities and constructing new structures results in a positive aesthetic effect. Mitigation Measures • None.	Impacts • Potential direct impacts would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • No demolition or redevelopment activities would occur. • The property would be retained by the Air Force and maintained in caretaker status. • NOAA use of the property would continue • No impacts are anticipated. Mitigation Measures • None.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Surplus Property Alternative	No-Action Alternative
Transportation	Impacts • No direct impact from conveyance. • No significant impacts are anticipated. • Cumulative, no interruption/delay in ferry service. • Cumulative, LOS of the local road network continues to operate at acceptable levels. • Cumulative effect of new parking structure (Sound Transit) helps provide adequate vehicle parking. Mitigation Measures • None.	Impacts • Potential direct impacts to transportation would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • Minimal daily vehicle trips to and from the property associated with NOAA operations. • LOS of the local road network would continue to operate at acceptable levels. • No impacts are anticipated. Mitigation Measures • None.
Hazardous Materials/Waste Management	Impacts • No direct impact from conveyance. • There are no active remediation sites within the property; no land use restrictions are required. • No significant impacts are anticipated. • Cumulative, hazardous materials and hazardous waste associated with construction and operations would be stored, used, and disposed in accordance with applicable regulations. • Cumulatively, proper management of any new storage tanks would minimize the potential for impacts.	Impacts • Potential direct impacts would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable.	Impacts • Small quantities of hazardous materials and waste would continue to be stored, used, and generated by the Air Force caretaker contractor and NOAA operations in accordance with applicable regulations. • Potential impacts from restoration sites would be the same as those described under the Proposed Action. • The Air Force would continue management of storage tanks in accordance with applicable regulations.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Excess Property Alternative	No-Action Alternative
Hazardous Materials/Waste Management (continued)	• Cumulatively, any ACM and LBP encountered during demolition activities would be subject to applicable federal, state, and local regulations to minimize the potential risk to human health and the environment. Mitigation Measures • None.	Mitigation Measures • None.	• The Air Force would continue to be responsible for management of ACM and LBP in accordance with its own policy and applicable regulations. • No impacts are anticipated. Mitigation Measures • None.
Geology and Soils	Impacts • No direct impact from conveyance. • No significant impacts are anticipated. • Cumulative effects from ground disturbance associated with demolition and construction activities would be reduced through compliance with Construction Site Storm Water NPDES permit and SWPPP and implementation of standard construction practices • Cumulatively, once demolition and construction activities are complete, disturbed areas would be covered with pavement or landscaped to reduce erosion potential. Mitigation Measures • None.	Impacts • Potential direct impacts to geology and soils would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • Demolition and construction activities would not occur. • No impacts are anticipated. Mitigation Measures • None.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Excess Property Alternative	No-Action Alternative
Water Resources	Impacts • Because the Proposed Action involves conveyance of property within a designated flood hazard area to a non-federal entity, a FONPA in accordance with Executive Order 11988, Floodplain Management, is included. • No significant impacts are anticipated. • Cumulatively, the future land owner would be required to comply with federal, state, and county regulation regarding impacts to floodplains. • Cumulative effects to surface water drainage patterns during demolition and construction activities would be reduced through compliance with a Construction Site Storm Water NPDES permit and SWPPP. Mitigation Measures • None	Impacts • Potential direct impacts to water resources would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • Demolition and construction activities would not occur. • No impacts are anticipated. Mitigation Measures • None.
Air Quality	Impacts • No direct impact from conveyance. • No significant impacts are anticipated. • Cumulative effects from construction and demolition activities result in short-term air quality impacts. • BMPs would be used to reduce cumulative emissions of dust and particulate matter. • Cumulative emissions would not hinder maintenance of the NAAQS. Mitigation Measures • None.	Impacts • Potential direct impacts to air quality would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • Demolition and construction activities would not occur. • No impacts are anticipated. Mitigation Measures • None.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Excess Property Alternative	No-Action Alternative
Noise	Impacts • No direct impact from conveyance. • No significant impacts are anticipated. • Cumulative noise generated from demolition and construction activities would be intermittent and short term, and would primarily occur on the property. • Once demolition and construction activities are completed, cumulative noise from ferry operations would not be substantially different from current ferry operations. Mitigation Measures • None.	Impacts • Potential direct impacts to noise would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable. Mitigation Measures • None.	Impacts • Demolition and construction activities would not occur. • No impacts are anticipated. Mitigation Measures • None.
Biological Resources	Impacts • No direct impact from conveyance. • No significant impacts are anticipated. • Cumulative effects of demolition and construction activities would create a short-term impact to wildlife. Most species on the property are common and are disturbance-tolerant. • No cumulative impacts to federally-listed threatened or endangered species. • Cumulative disturbance to benthic habitat during pier demolition and ferry terminal construction activities.	Impacts • Potential direct impacts to biological resources would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable.	Impacts • Demolition and construction activities would not occur. • No impacts are anticipated.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Excess Property Alternative	No-Action Alternative
Biological Resources (continued)	• Cumulative effect of pier removal would eliminate a large source of creosote in the environment and eliminate approximately 131,000 square feet of over-water structure, allowing more sunlight and possibly aiding macroalgae and eelgrass growth. • Cumulative effect of potentially daylighting Japanese Creek restores riparian and aquatic habitat. Mitigation Measures • None.	Mitigation Measures • None.	Mitigation Measures • None.
Cultural Resources	Impacts • The transfer out of federal ownership and control to the Port of Everett would be subject to a permanent Preservation Covenant that ensures continuation of federal protections of cultural resources. • Cumulative effect of using fill and other design and construction approaches could minimize potential adverse effects. If the project can be constructed completely on fill, it could avoid or reduce adverse effects. As the project design advances and clarifies the excavation required, precautionary construction techniques would be selected to avoid or minimize adverse effects.	Impacts • Potential direct impacts to cultural resources would be similar to those described under the Proposed Action. Potential cumulative impacts would not be reasonably foreseeable.	Impacts • Demolition and construction activities would not occur. • No impacts are anticipated.

Table 2-1. Summary of Potential Environmental Impacts for Each Alternative

Resource Area	Proposed Action	Excess Property Alternative	No-Action Alternative
Cultural Resources (continued)	• Cumulatively, if construction of an element would adversely affect a National Register-eligible property and the element cannot be redesigned to avoid the adverse effect, mitigation measures would be developed in consultation with the DAHP and appropriate consulting parties, prior to project implementation. Mitigation Measures • A Preservation Covenant has been prepared to which future property owners/operators must adhere.	Mitigation Measures • A Preservation Covenant has been prepared to which future property owners/operators must adhere.	Mitigation Measures • None.

ACM = asbestos-containing material
BMP = best management practice
DAHP = Department of Archaeology and Historic Preservation
FONPA = Finding of No Practicable Alternative
LBP = lead-based paint
LOS = Level of Service
NAAQS = National Ambient Air Quality Standards
National Register = National Register of Historic Places
NOAA = National Oceanic and Atmospheric Administration
NPDES = National Pollutant Discharge Elimination System
SWPPP = Storm Water Pollution Prevention Plan

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3.0 AFFECTED ENVIRONMENT

3.1 INTRODUCTION

This chapter describes the existing environmental conditions at the Mukilteo Tank Farm Property. It provides information to serve as a baseline from which to identify and evaluate environmental changes associated with the conveyance of the Mukilteo Tank Farm Property. The environmental components addressed include relevant natural or human environments likely to be affected by the Proposed Action and alternatives.

Based on the nature of the activities that would occur under the Proposed Action and alternatives, it was determined that no direct environmental effects would likely occur; however, the potential for cumulative impacts exists for the following resources: socioeconomics and environmental justice, land/shoreline use and aesthetics, transportation, hazardous materials and hazardous waste management, geology and soils, water resources, air quality, noise, biological resources, and cultural resources. These resources are discussed further in the section below.

The region of influence (ROI) to be studied will be defined for each resource area affected by the proposed project. The ROI determines the geographical area to be addressed as the Affected Environment. Although the Mukilteo Tank Farm Property may constitute the ROI limit for some resources, potential impacts associated with certain issues (e.g., air quality and noise) transcend these limits.

3.2 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

The ROI for employment and population effects (including environmental justice) as a result of the conveyance of the Mukilteo Tank Farm Property is the City of Mukilteo and the City of Everett.

3.2.1 Population

The Mukilteo Tank Farm Property is mostly within the City of Mukilteo and a small portion is within the City of Everett (see Figure 3-4). The City of Mukilteo population in 2010 was 20,254 and the total housing units in Mukilteo numbered 8,547 in 2010 (U.S. Bureau of the Census, 2010a). The City of Everett population in 2010 was 103,019 and the total housing units in Everett numbered 44,609 in 2010 (U.S. Bureau of the Census, 2010b).

No living quarters are situated at the Mukilteo Tank Farm Property and no one lives on the property.

3.2.2 Employment

The City of Mukilteo civilian labor force was approximately 15,500 in 2010 and the median household income in 2010 was $91,683 (U.S. Bureau of the Census, 2010a). The City of Everett civilian labor force was approximately 79,600 in 2010 and the median household income in 2010 was $47,552 (U.S. Bureau of the Census, 2010b).

Current employment at the Mukilteo Tank Farm Property includes approximately 10 permanent personnel associated with the NOAA\NMFS facility.

3.2.3 Environmental Justice

Executive Order (EO) 12898, Environmental Justice, was issued by the President on February 11, 1994. Objectives of the EO, as it pertains to this EA, include development of federal agency implementation strategies, and identification of low-income and minority populations potentially affected because of proposed federal actions.

Accompanying EO 12898 was a Presidential Transmittal Memorandum referencing existing Federal statutes and regulations to be used in conjunction with EO 12898. One of the items in this memorandum was the use of the policies and procedures of NEPA. Specifically, the memorandum indicates that,

> "Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of federal actions, including effects on minority communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. section 4321 et. seq."

In addition to environmental justice issues are concerns pursuant to EO 13045, Protection of Children from Environmental Health Risks and Safety Risks. This EO directs federal agencies to identify and assess environmental health and safety risks that may disproportionately affect children.

Although an environmental justice analysis is not mandated by NEPA, DOD has directed that NEPA will be used as the primary mechanism to implement the provision of the EO.

The Community of Comparison, or ROI, for the environmental justice analysis is defined as Snohomish County focusing on areas where potential environmental effects may occur due to conveyance of the Mukilteo Tank Farm Property.

Demographic Analysis. Although EO 12898 provides no guidelines for determination of concentrations of low-income or minority populations, the demographic analysis provides information on the approximate locations of low-income and minority populations in the area potentially affected by the proposed federal action. Potential environmental impacts from the Proposed Action and alternatives would primarily occur within the boundary of the Mukilteo Tank Farm Property and surrounding areas.

Demographic information from the U.S. Bureau of the Census was used to extract data on minority, low-income, and child populations within the area. The census reports both ethnicity and household income status. Minority populations included in the census are identified as Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and other Pacific Islander, or some other race. Information on minority populations, based on the 2010 U.S. Census, is presented in Table 3-1. Figure 3-1 depicts the Snohomish County census tracts with disproportionately high minority populations in the vicinity of the Mukilteo Tank Farm Property. Two census tracts (tracts 412.01 and 413.02) have a disproportionately high percentage of minority population in comparison to Snohomish County with a minority population of 18.3 percent (U.S. Bureau of the Census, 2010c).

U.S. Census Bureau poverty status is used in this EA to define low-income status. Poverty status is reported for families with income below poverty level (defined in the 2010 census as $21,954 for a family of four with two children under 18 years in 2009). One of the census tracts (tract 413.02) has a disproportionately high percentage of population below the poverty level in comparison to Snohomish County with 8.4 percent (U.S. Bureau of the Census, 2010c) (see

Table 3-1. Percent Minority, Low-Income, and Persons Under 18 Years of Age Populations

	Population	Percent Minority	Disproportionately High	Percent of Population Below Poverty Level	Disproportionately High	Percent Under Age 18	Disproportionately High
United States		21.9	--	13.8	--	23.7	--
Washington	6,830,038	27.9	--	12.1	--	23.2	--
Snohomish County	722,400	18.3	--	8.4	--	24.0	--
Census Tracts in Snohomish County							
409	5,762	7.9	No	3.1	No	22.2	No
412.01	6,542	21.9	Yes	3.8	No	30.0	Yes
413.01	9,690	11.4	No	3.0	No	24.5	Yes
413.02	12,002	19.1	Yes	9.0	Yes	27.7	Yes

Source: U.S. Bureau of the Census, 2010a,b,c.

Table 3-1). Figure 3-2 depicts the Snohomish County census tracts with disproportionately high low-income populations in the vicinity of the Mukilteo Tank Farm.

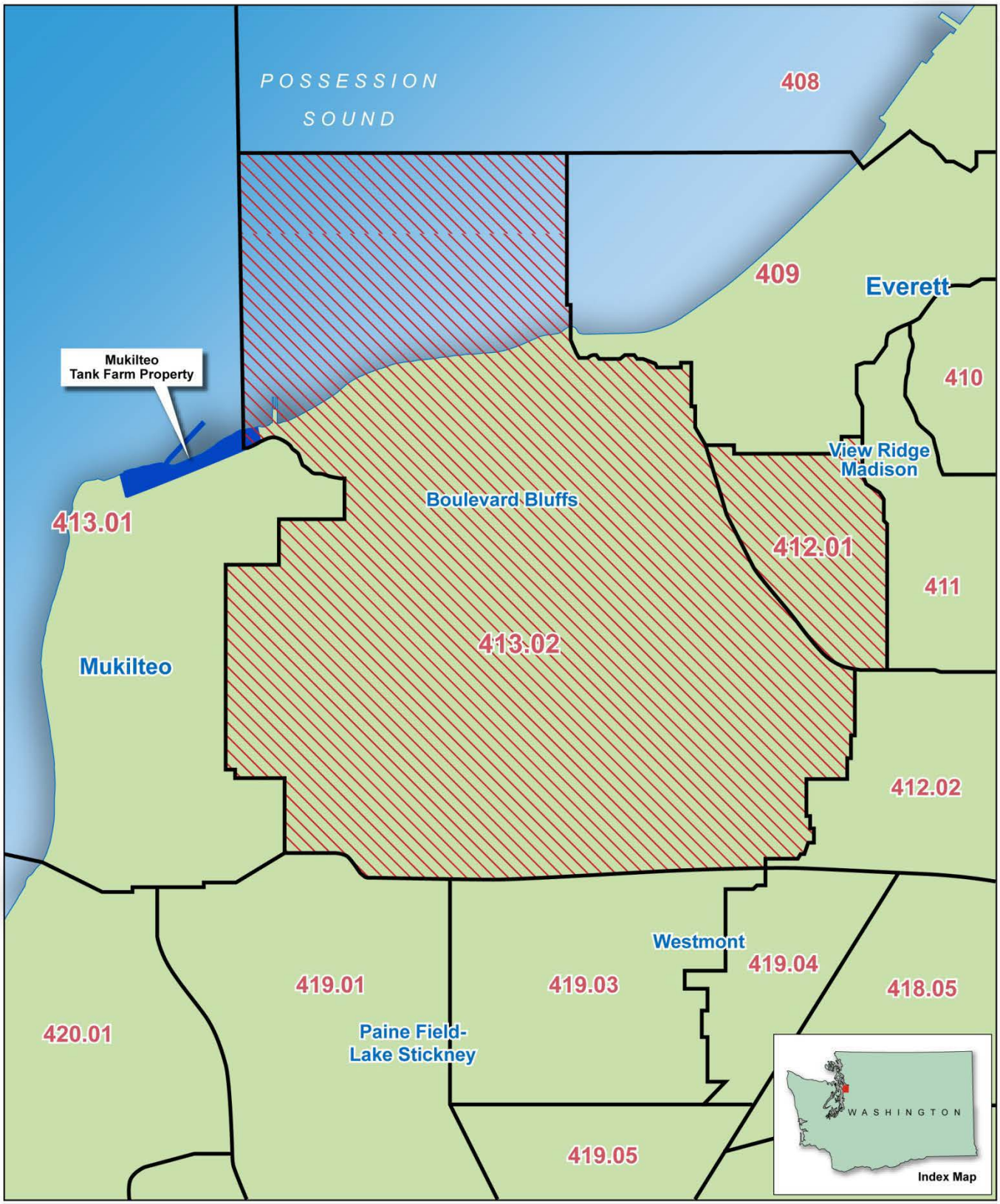
Youth populations, for consideration of EO 13045, are defined as persons under the age of 18. Based on the 2010 U.S. Census on Family and Housing, three census tracts (tracts 412.01, 413.01, and 413.02) have a disproportionately high percentage of youth population in comparison to Snohomish County with a youth population of 24.0 percent (U.S. Bureau of the Census, 2010c) (see Table 3-1). Figure 3-3 depicts the Snohomish County census tracts with disproportionately high youth populations in the vicinity of the Mukilteo Tank Farm Property.

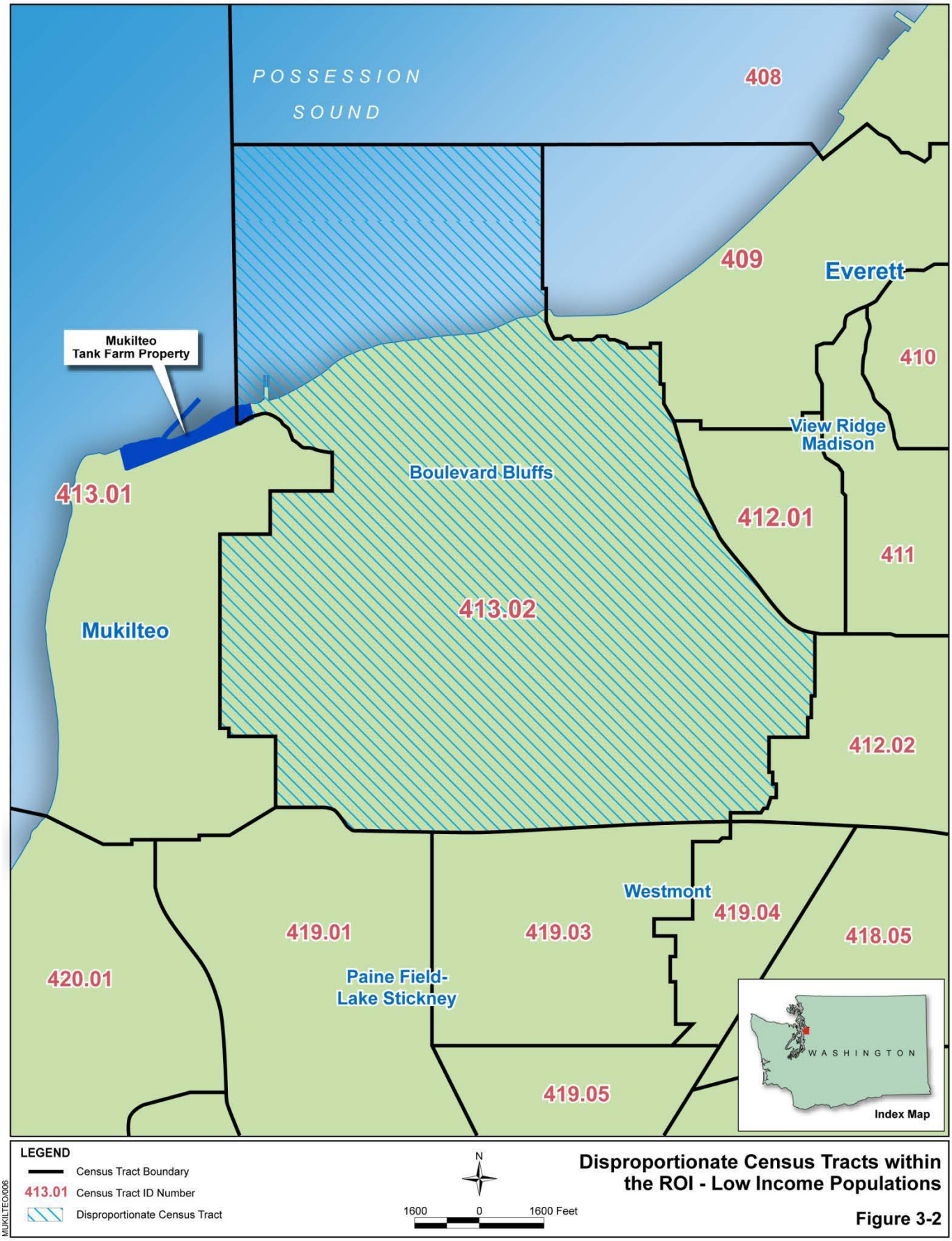
3.3 LAND/SHORELINE USE AND AESTHETICS

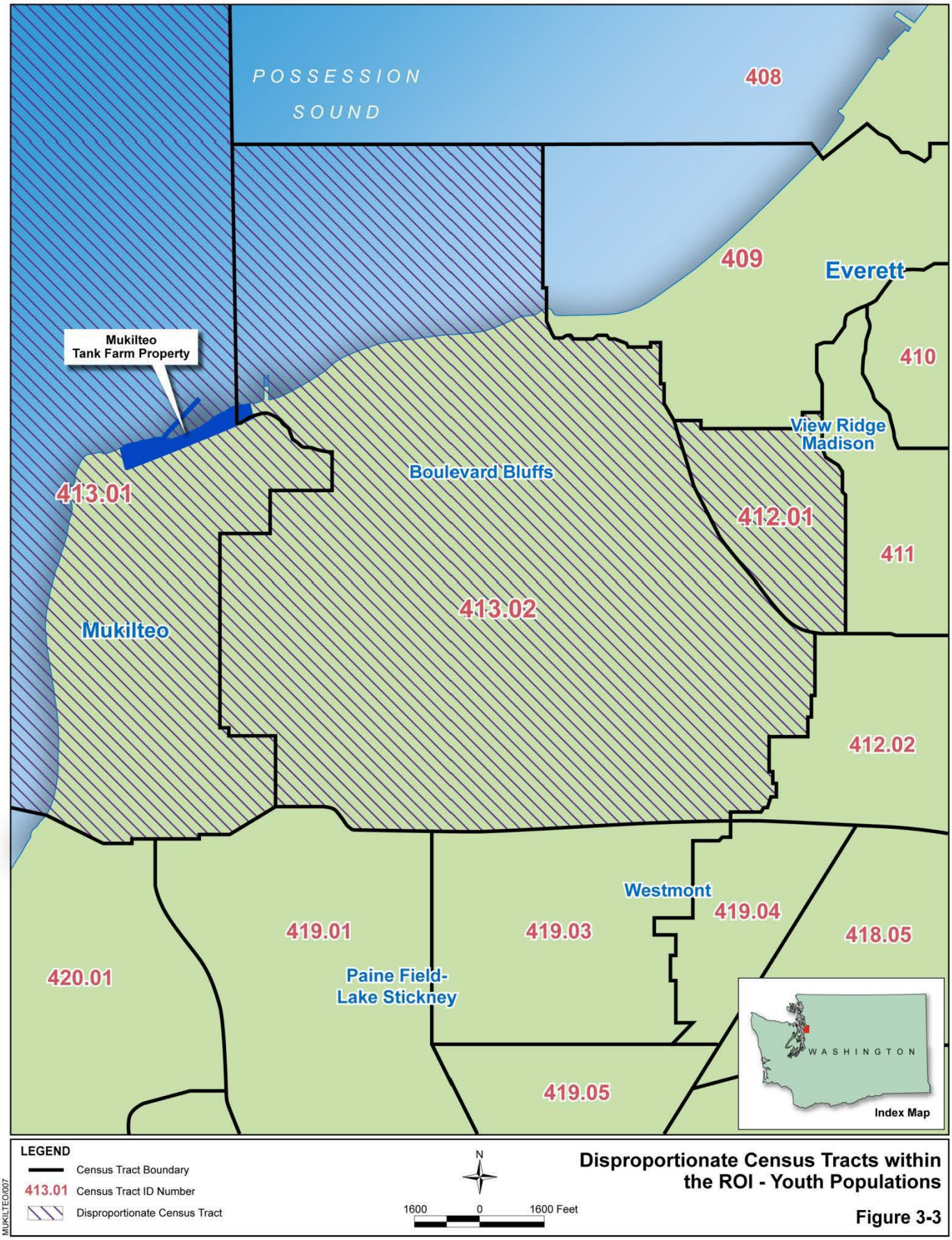
3.3.1 Land/Shoreline Use

The ROI for land/shoreline use and aesthetics includes the Mukilteo Tank Farm Property and potentially affected adjacent properties. In 1951 the Air Force acquired the subject property and constructed ten bulk fuel aboveground storage tanks on the property. The property was used as a fuel storage and transfer facility, operated through McChord AFB, from 1953 to 1973, and, thereafter, by the agency now known as the Defense Energy Support Center (DESC) within the Defense Logistics Agency (DLA). The facility has been known as the Mukilteo Tank Farm or Mukilteo DFSP. In 1955, the Air Force opened a fuel laboratory on the property. In 1972, the NOAA administered, NMFS field headquarters began operations on the property. Fuel storage and transfer operations on the property ceased in 1989 and operations to remove the ten bulk fuel aboveground storage tanks took place in 1999 (U.S. Air Force, 2012b).

Currently, the only occupant on the property is the Mukilteo Biological Field Facility operated by the NMFS on the northwest corner of the property. NMFS occupies 1.1 acres, which house an office building and associated structures that are used as a laboratory for aquatic studies. An enclosure at the east end of the NMFS lab contains fish pens and other aquatic habitat. NMFS also uses the former fire station near the northwest entrance to the property for boat storage; however, that facility is not included in the intended 1.1-acre Federal-to-Federal transfer.


POSSESSION
SOUND
408
409
Everett
410
Mukilteo
Tank Farm Property
View Ridge
Madison
Boulevard Bluffs
413.01
412.01
411
413.02
Mukilteo
412.02
Westmont
419.04
419.01
419.03
418.05
420.01
Paine Field-
Lake Stickney
419.05
WASHINGTON
Index Map
LEGEND
Census Tract Boundary
413.01 Census Tract ID Number
Disproportionate Census Tract
N
1600 0 1600 Feet
Disproportionate Census Tracts within the ROI - Minority Populations
Figure 3-1
MUKILTEO/005


POSSESSION
SOUND
408
409
Everett
410
Mukilteo
Tank Farm Property
View Ridge
Madison
Boulevard Bluffs
413.01
412.01
411
413.02
Mukilteo
412.02
Westmont
419.04
419.01
419.03
418.05
420.01
Paine Field-
Lake Stickney
419.05
WASHINGTON
Index Map
LEGEND
Census Tract Boundary
413.01 Census Tract ID Number
Disproportionate Census Tract
N
1600 0 1600 Feet
Disproportionate Census Tracts within the ROI - Low Income Populations
Figure 3-2
MUKILTEO/006


POSSESSION
SOUND
408
409
Everett
410
Mukilteo
Tank Farm Property
View Ridge
Madison
Boulevard Bluffs
413.01
412.01
411
413.02
Mukilteo
412.02
Westmont
419.04
419.01
419.03
418.05
420.01
Paine Field-
Lake Stickney
419.05
WASHINGTON
Index Map
LEGEND
Census Tract Boundary
413.01 Census Tract ID Number
Disproportionate Census Tract
N
1600 0 1600 Feet
Disproportionate Census Tracts within
the ROI - Youth Populations
Figure 3-3
MUKILTEO/007

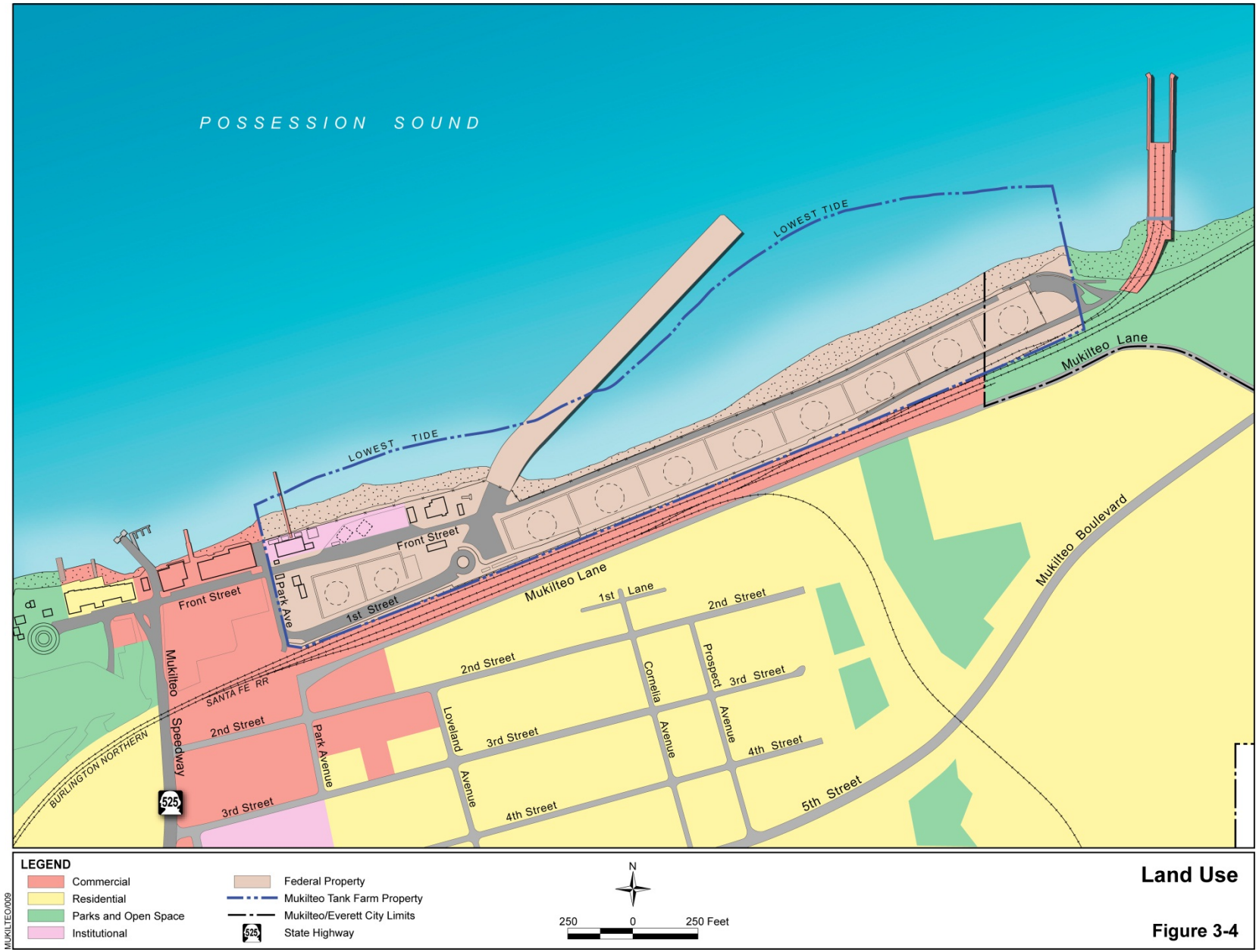
Several buildings and structures remain on or associated with the property including:

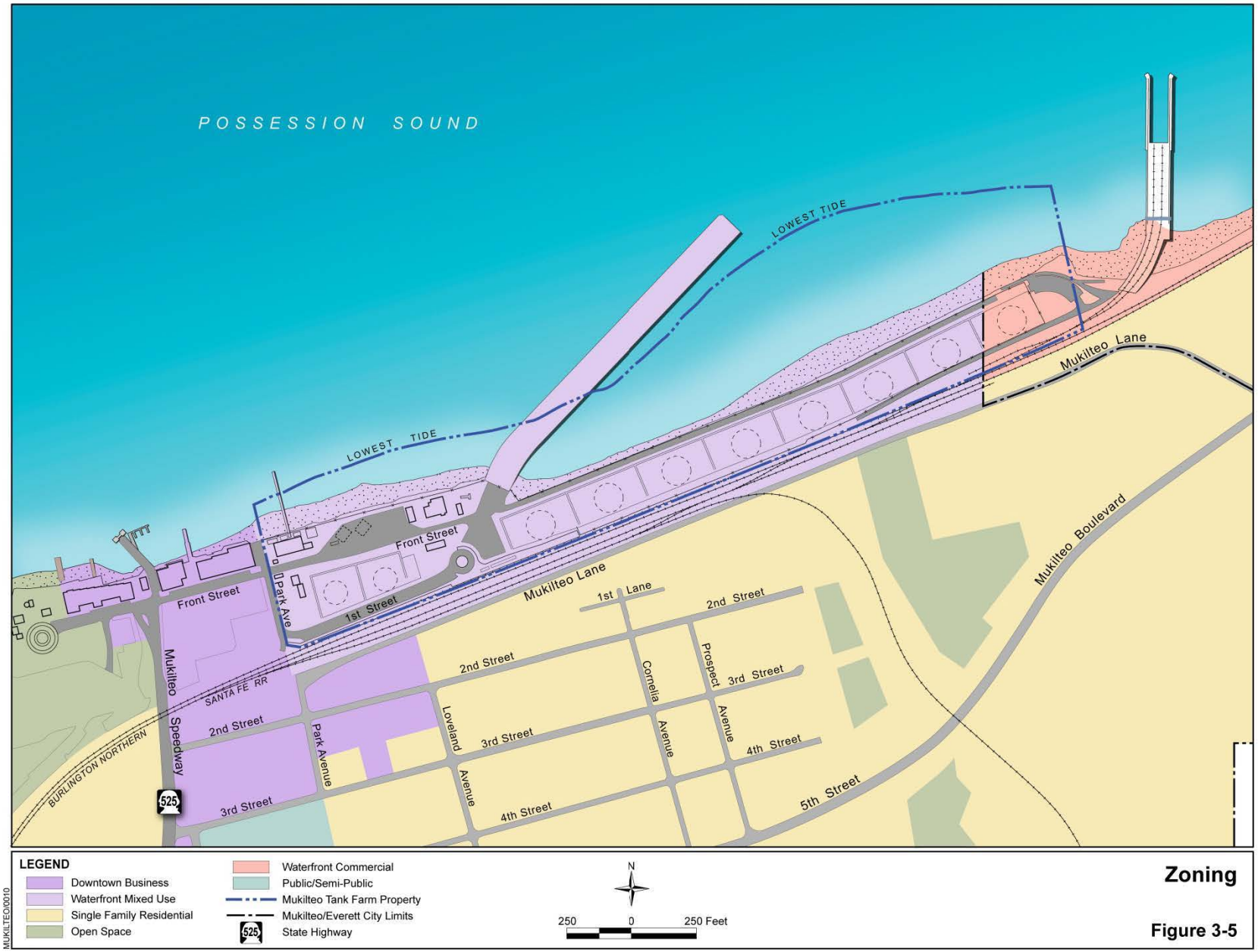
- The pier (unmaintained)
- Former bulk fuel storage concrete wall containment structures
- The former foam pump house
- A small, empty, metal shack located between the pier and the Air Force fuels laboratory
- The former Air Force Aerospace Fuels Laboratory building with a detached storage shed previously used for hazardous materials storage
- The main pumping shelter and fuel filter shelter, each consisting of a metal structure with a roof and no walls
- The former fire station currently used for boat storage by NMFS
- The NMFS research laboratory, as described above (not part of the conveyance to Port of Everett)
- Two small buildings on either side of the main entrance that were used as guard shacks.

The City of Mukilteo has designated the land for the Mukilteo Tank Farm Property as commercial with mixed use zoning. Land uses adjacent to the property are primarily transportation, commercial, and water-related. Possession Sound is north and west of the property. The waterfront commercial area, consisting of a hotel, restaurants, residential condominiums, and an art shop is located west of the property. The NMFS facility is operated on the property. The Mukilteo Ferry Terminal is located in the waterfront commercial area further west of the tank farm property. Single-family residential properties are located in the City of Mukilteo on the bluff above and to the south of the tank farm property. The east end of the tank farm property is located in the City of Everett, immediately west of the Port of Everett Rail/Barge Transfer Facility, also known as the Mount Baker Terminal. Figure 3-4 depicts the local land use classifications in the vicinity of the Mukilteo Tank Farm Property.

Adjacent and parallel to the southern boundary are right-of-ways for 1st Avenue, BNSF easement released by the City of Mukilteo in 2005 for track expansion, and the BNSF railroad mainline tracks, which are also used by Sound Transit for the Sounder commuter rail service. In addition, the Sound Transit Mukilteo Station and parking area opened for Sounder commuter rail operations in June 2008, is located parallel to the north side of the BNSF railroad tracks, and is largely located on the Air Force Tank Farm property. The station is part of the Sounder commuter rail system and is planned to support the multimodal transit facility (Sound Transit, 2008a). The station (Phase I of a two-phased Sound Transit facility) currently includes a platform on the north side of the tracks for passengers and an interim parking lot located near the southwest corner of the Mukilteo Tank Farm Property. Phase II of the Mukilteo Station will include a south platform (on BNSF Right-of-Way) and a pedestrian bridge over the tracks to a north tower (on Air Force property) (Sound Transit, 2008a).

Zoning. Basically, zoning provides for the division of the jurisdiction, in conformity with the Comprehensive Plan, into districts within which the height, open space, building coverage, density, and type of future land uses are set forth. Zoning is designed to achieve various community development goals. Figure 3-5 depicts the local zoning classifications in the vicinity of the Mukilteo Tank Farm Property.


POSSESSION SOUND
LOWEST TIDE
LOWEST TIDE
Mukilteo Lane
Front Street
Front Street
Park Ave
1st Street
Mukilteo Lane
1st Lane
2nd Street
Mukilteo Boulevard
2nd Street
Cornelia
Prospect
3rd Street
Avenue
Avenue
SANTA FE RR
Mukilteo
Speedway
2nd Street
Park Avenue
Loveland
3rd Street
4th Street
BURLINGTON NORTHERN
525
3rd Street
Avenue
4th Street
5th Street
LEGEND
Commercial
Residential
Parks and Open Space
Institutional
Federal Property
Mukilteo Tank Farm Property
Mukilteo/Everett City Limits
525 State Highway
N
250 0 250 Feet
Land Use
Figure 3-4
MUKILTEO/009


POSSESSION SOUND
LOWEST TIDE
LOWEST TIDE
Mukilteo Lane
Front Street
Front Street
Park Ave
1st Street
Mukilteo Lane
1st Lane
2nd Street
Mukilteo Boulevard
2nd Street
Cornelia
Prospect
3rd Street
Avenue
Avenue
SANTA FE RR
Mukilteo
Speedway
2nd Street
Park Avenue
Loveland
3rd Street
4th Street
BURLINGTON NORTHERN
525
3rd Street
Avenue
4th Street
5th Street
LEGEND
Downtown Business
Waterfront Mixed Use
Single Family Residential
Open Space
Waterfront Commercial
Public/Semi-Public
Mukilteo Tank Farm Property
Mukilteo/Everett City Limits
525
State Highway
N
250
0
250 Feet
Zoning
Figure 3-5
MUKILTEO/0010

The City of Mukilteo has designated the property WMU (Waterfront Mixed Use) with Downtown Business (DB) designated west of the property. Adjacent property to the south is designated RD 7.5 (Single Family Residential) and DB. Property to the west of DB is designated OS (Open Space) (City of Mukilteo, 2010c). The City of Everett has designated the property W-C (Waterfront Commercial). Adjacent property to the south is designated R-S (Suburban Residential) (City of Everett, 2012).

Coastal Zone Management. The site is located within the State of Washington's coastal zone. The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq., as amended) provides assistance to states, in cooperation with federal and local agencies, for developing land and water use programs in coastal zones. Section 307 of the CZMA stipulates that where a federal project initiates reasonably foreseeable effects on any coastal use or resource (land or water use or natural resource), the action must be consistent to the "maximum extent practicable with the enforceable policies of approved State management programs" (16 U.S.C. 1456 (c)(l)(A)).

The State of Washington has developed and implemented a federally approved Coastal Zone Management Program describing current coastal legislation and enforceable policies. Under the program, activities that impact any land use, water use, or natural resource of the coastal zone must comply with six laws, or "enforceable policies." These include the Shoreline Management Act; the State Environmental Policy Act; the Clean Air Act (CAA), the Clean Water Act (CWA); the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act.

The Air Force prepared and submitted a coastal zone consistency statement for the proposed property conveyance to the Washington Department of Ecology (WDOE). On February 12, 2009, WDOE certified the proposed conveyance action to be consistent with Washington's Coastal Zone Management Program, and that it will have no effect upon coastal resources (Appendix C). Any subsequently proposed development of the Mukilteo Tank Farm Property must comply with the Washington State Coastal Zone Management Program for associated impacts.

3.3.2 Aesthetics

Visual resources include natural and man-made features that give a particular environment its aesthetic qualities. Criteria used in the analysis of these resources include visual sensitivity, which is the degree of public interest in a visual resource and concern over adverse changes in its quality. Visual sensitivity is characterized in terms of high, medium, and low levels.

High visual sensitivity exists in areas where views are rare, unique, or in other ways special, such as in a remote pristine environment. High-sensitivity views would include landscapes that have landforms, vegetative patterns, water bodies, or rock formations of unusual or outstanding quality.

Medium visual sensitivity is characteristic of areas where human influence and modern civilization are evident and the presence of motorized vehicles is commonplace. These landscapes generally have features containing varieties in form, line, color, and texture, but tend to be more common than high visual sensitivity areas.

Low visual sensitivity areas tend to have minimal landscape features with little change in form, line, color, and texture.

The immediate visual environment of Mukilteo Tank Farm Property and surrounding areas are characteristic of an urban environment. These areas are mostly developed with roads, vehicle

parking lots, and other structures. The present appearance of the Mukilteo Tank Farm Property includes a security fence, maintained and unmaintained structures as well as an abandoned pier, associated roadways and vehicle parking areas, and concrete foundations where large storage tanks were located. Areas surrounding the property are primarily the ferry terminal facility, commercial developments, residential neighborhoods, and views of Possession Sound, Whidbey Island, and Camano Island in the distance. Based on the developed nature of the Mukilteo Tank Farm Property and the surrounding areas, the ROI is considered to have a medium visual sensitivity.

3.4 TRANSPORTATION

The ROI for the transportation analysis includes the existing road network that services the Mukilteo Tank Farm Property and provides the only access to the Mount Baker Terminal and Sound Transit Mukilteo Station. Within this area, the analysis focuses on the segments of the transportation network that serves as direct linkages to the property.

The operation of roadway intersections is generally expressed in terms of level of service (LOS). The LOS is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, as the best operating conditions, to LOS F, or the worst operating conditions. LOS E represents "at-capacity" operations. When traffic volumes exceed the intersection capacity, stop-and-go conditions result, and operations are designated as LOS F. Table 3-2 presents the LOS designations and their associated control delay factors. These levels are based primarily on the Highway Capacity Manual.

Table 3-2. Road Transportation Level of Service

LOS	Description	Average Control Delay per vehicle (seconds)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths	≤10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high V/C ratios. Many vehicles stop and individual cycle failures are noticeable	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences	55.1 to 80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths	>80.0

Source: Transportation Research Board, 1994.

V/C = volume/capacity

Existing roads within the ROI are described at two levels: (1) regional, representing the major links to the Mukilteo Tank Farm Property; and (2) local, representing key community roads near the property. Several access roads are present on the property that connect parking lots to various structures on the property and provide access the length of the property.

3.4.1 Regional Transportation

Regional access to the Mukilteo Tank Farm Property is provided via State Route (SR) 525.

SR 525 is a north-south principal arterial extending from I-5 on the south to Whidbey Island on the north. It provides one basic lane in each direction of travel; however, in the vicinity of the Mukilteo Tank Farm Property it consists of three to four lanes. One lane is generally provided each way, but the northbound paved shoulder is used as a ferry traffic holding lane during busy times. An extra southbound lane is provided on the steep stretch between Front Street and 5th Street. A northbound lane, separate from the ferry lane, is provided for traffic turning onto Front Street. The posted speed limit is 25 miles per hour (mph) between 5th Street and Front Street. The intersection at 5th Street/SR 525 is signalized. The signalized intersection of SR 525/5th Street currently operates at LOS B during the PM peak hour. Ferry queues, and periodic unloading surges, produce disruptive effects in the SR 525 corridor during the afternoon hours. During the PM peak period, the SR 525/88th Street SW and SR 525/Front Street intersections operate at an LOS E which indicates a high level of delay. This LOS fails to meet the City of Mukilteo LOS D standard which is the maximum level of delay the City has defined as acceptable. The average Friday PM peak queue length on SR 525 currently extends beyond 76th Street SW (WSDOT/FTA, 2012a).

3.4.2 Local Transportation

The local road network in the vicinity of the Mukilteo Tank Farm Property is shown on Figure 3-6. The following streets provide local access to the property: Front Street, Park Avenue, 1st Street, 2nd Street, 5th Street (Mukilteo Boulevard), and Mukilteo Lane. Descriptions of these roadways are presented below.

Front Street is an east-west two-lane road providing access between the ferry terminal and the Mukilteo Lighthouse Park. The posted speed limit is 25 mph. The portion of Front Street from Park Avenue to the Mount Baker Terminal (on the Mukilteo Tank Farm Property) is restricted access. The intersection of Front Street with SR 525 is stop-controlled and it serves as both a local traffic intersection and as the access point for the ferry terminal. Ferry personnel provide manual traffic control at busy times; during ferry unloading and loading operations ferry traffic is given right-of-way. Between ferry operations, the intersection operates as an all-way, stop-controlled, three-leg intersection. The north leg of the intersection is formed by the ferry terminal. Eastbound left-turn and westbound right-turn movements are not allowed at this intersection, due to ferry operations. Operations at this intersection during the PM peak hour are LOS E (WSDOT/FTA, 2012a).

Park Avenue extends between Front Street and 1st Street as a north-south two-lane local street. Park Avenue also allows access to businesses located to the east of SR 525.

1st Street is a two-lane paved road that runs east from the Mukilteo Ferry Terminal area onto the tank farm property ending at the cul-de-sac for the Sound Transit Station. The posted speed limit is 25 mph.


PORT GARDNER BAY
POSSESSION SOUND
Clinton-Mukilteo
Mukilteo Tank Farm Property
BURLINGTON NORTHERN SANTA FE RR
Taylor Dr
Bayview Ln
Mukilteo Blvd
Shore Ave
Upland Ave
Sound Ave
33rd Ave
Ocean Ave
27th Ave
Seaview Wy
52nd Pl
54th St
56th St
Boulevard Bluffs
Front St
1st St
Park Ave
Mukilteo Ln
Mukilteo Lighthouse Park
2nd St
3rd St
4th St
Loveland Ave
Cornelia Ave
Prospect Ave
Lincoln Ave
5th St
6th St
Washington Ave
9th St
525
Mukilteo
Goat Trail Rd
15th Pl
Goat Trail Loop Rd
Mukilteo Speedway
Everett
36th Ave
Seaway Blvd
Merrill Creek Pkwy
Powder Mill Gulch Retention Basin
71st Pl
48th Ave
Clover Ln
76th St
THE BOEING COMPANY
80th St
44th Ave W
81st Pl
53rd Ave
84th St
526
Boeing Fwy
88th St
Paine Field Blvd
SNOHOMISH COUNTY AIRPORT
WASHINGTON
Index Map
LEGEND
City of Mukilteo
City of Everett
Snohomish County
Mukilteo Tank Farm Property
State Highway
N
1000
0
1000 Feet
Local Roadways
Figure 3-6
MUKILTEO/008

2nd Street is a two-lane street extending east from SR 525, with a 25-mph speed limit. It connects to Park Avenue at a four-way, stop-controlled intersection with Mukilteo Lane extending to the north and east from this intersection.

5th Street (Mukilteo Boulevard at Japanese Gulch within the Everett City Limits), is a two-lane Minor Arterial that runs east from SR 525 in Mukilteo to the Everett City Limit. The posted speed limit is 25 mph in the Old Town area of Mukilteo and increases to 35 mph near Japanese Gulch. The intersection at SR 525/5th Street is impacted (LOS D) sometimes from ferry queues that develop in the afternoon hours due to inadequate boat capacity and holding area capacity, and are not attributable to the signal operation (WSDOT/FTA, 2012a).

Mukilteo Lane is a two-lane arterial that runs east to west along the south side of the BNSF tracks. A stop-controlled railroad crossing exists on Mukilteo Lane over the Japanese Gulch rail spur that provides rail access to the Everett Boeing facilities.

3.4.3 Ferry Operations

Washington State Ferries operates three tollbooths and provides a vehicle waiting area in the form of a surface parking lot, located in the southeast corner of the intersection of SR 525 and Front Street. Ferry traffic at Mukilteo Terminal appears to follow a directional pattern. Southbound traffic peaks on SR 525 at Front Street at around 6 to 7 a.m., as commuters leave Whidbey Island for destinations on the mainland. Another small peak in southbound traffic occurs between 4 and 5 p.m. Northbound traffic climbs steadily throughout the day and then peaks at around 5 to 6 p.m. as commuters return to Whidbey Island. Traffic entering the intersection of SR 525 and Front Street peaks at around 1 to 2 p.m.

Ferry schedules show that loading and unloading operations last approximately 14 minutes. Ferry personnel hold the loading traffic while walk-on passengers are loaded from the passenger waiting area, which is located on the west side of the terminal. This lull in vehicle unloading and loading allows minor movements to be served at the intersection. Ferry personnel then begin manual traffic control when ferry loading operations are ready to begin, holding conflicting minor movements and directing the loading of ferry traffic lane by lane from the holding area. When gaps in loading vehicles occur, the traffic controller may serve conflicting minor movements (WSDOT/FTA, 2012a).

3.5 HAZARDOUS MATERIALS AND HAZARDOUS WASTE MANAGEMENT

Hazardous materials and hazardous waste management activities at the Mukilteo Tank Farm Property were governed by specific environmental regulations. For the purposes of analysis, the terms “hazardous materials” and “hazardous waste” will refer to those substances defined as hazardous by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9601, et seq., as amended, and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6903-6992, as amended. In general, these include substances that, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may present substantial danger to public health, welfare, or the environment when released into the environment.

The ROI for hazardous materials and hazardous waste management encompasses those areas that could potentially be exposed to a release during demolition and construction activities on the property. Hazardous materials management, hazardous waste management, CERCLA sites, storage tanks, asbestos-containing material (ACM), and lead-based paint (LBP) are discussed in this section.

3.5.1 Hazardous Materials and Hazardous Waste Management

Management of hazardous materials at the Mukilteo Tank Farm was conducted in accordance with applicable Air Force requirements, including Air Force Instruction (AFI) 32-7086, Hazardous Materials Management; U.S. Environmental Protection Agency (EPA) requirements for spill prevention, control, and countermeasures plans; Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. Chapter 116; and Occupational Safety and Health Administration (OSHA) requirements under 29 CFR, including Hazard Communication requirements under 29 CFR 1910.1200.

The federal government issued regulations for hazardous waste management under RCRA. In general, hazardous waste includes substances that, because of their quantity; concentration; or physical, chemical, or infectious characteristics, may present substantial danger to public health or the environment when released to the environment.

An Environmental Baseline Survey (EBS) was performed for the Mukilteo Tank Farm Property in support of property conveyance (U.S. Air Force, 2012b). During the preparation of the EBS, facility records were reviewed to identify the quantities and types of hazardous materials and petroleum products that have been used, stored, or released on the property since its initial construction in the early 1950s. The tank farm supported 17 aboveground storage tanks (ASTs) used to contain jet propulsion fuel, grade 4 (JP-4) and other products. Several underground storage tanks (USTs), containing heating oil, diesel oil, and downgrade fuel that did not meet Air Force specifications, also existed on site. Storage tanks are discussed further in Section 3.5.3. All petroleum products or their derivatives have been removed from the tanks.

The disposal of polychlorinated biphenyls (PCBs) is regulated under the federal Toxic Substances Control Act (TSCA) (15 U.S.C. Section 2601, et seq., as implemented by 40 CFR Part 761), which banned the manufacture and distribution of PCBs, with the exception of PCBs used in enclosed systems. By federal definition, PCB equipment contains 500 parts per million (ppm) PCBs or more, whereas PCB-contaminated equipment contains PCB concentrations equal to or greater than 50 ppm, but less than 500 ppm. The TSCA regulates and the U.S. EPA enforces the removal and disposal of all sources of PCBs containing 50 ppm or more; the regulations are more stringent for PCB equipment than for PCB-contaminated equipment. Air Force analyzed oils from on-site transformers in 1990, 1998, and 2003 for PCB content. No PCB transformers with more than 500 ppm PCBs were found. All PCB-containing transformers and non-PCB-containing transformers have been removed from the property.

The NOAA facility maintains small quantities of methylene chloride, ethanol, formaldehyde, and other laboratory chemicals in support of their studies (U.S. Air Force, 2012).

The former Air Force fuels laboratory that was on the property, operated under U.S. EPA ID Number WA2971590003 and was registered as a large quantity generator of hazardous wastes and was coded as a laboratory for fuel analysis. Based on a review of fuel lab operations conducted during the preparation of the EBS, the facility likely was a small quantity generator rather than a large quantity generator and no RCRA hazardous waste remains on the property (U.S. Air Force, 2012b).

3.5.2 CERCLA

Between 1979 and 1987 investigation activities at the Mukilteo Tank Farm Property revealed that fuel hydrocarbons had been released at various locations on the property and had impacted subsurface soil and groundwater, as well as near shore sediments. The decision was made to close DFSP Mukilteo in 1987 and all fuel storage and transfer operations ceased in 1989.

In 1990, the Office of the Attorney General issued the DLA Remedial Action Order No. DE 90-N209 under the Washington Department of Ecology (WDOE) Model Toxics Control Act (MTCA) cleanup regulations (Washington Administrative Code [WAC] 173-340). MTCA established the administrative processes and standards to identify, investigate, and clean up facilities where hazardous substances or wastes have been located. Since 1992, the Mukilteo Tank Farm Property has been the subject of several site assessments, a remedial investigation/feasibility study (RI/FS), risk assessment (RA) activities, interim corrective actions, and remediation efforts to clean up the fuel hydrocarbons released on the property.

On April 21, 2005, WDOE issued a Partial Satisfaction of Enforcement Order No. DE 93TC-N268 indicating that no further monitoring is required for all but one area of the property. Compliance monitoring was required to continue on the one area until the groundwater in all monitoring wells met the site cleanup levels per the Compliance Monitoring Plan (CMP). Results of the groundwater collected in November 2005 indicated that the remaining groundwater met the site cleanup levels per the CMP. On May 22, 2006, DESC was issued a letter by the WDOE stating that the terms of the enforcement order had been met and cleanup of the site achieved regulatory requirements (WDOE, 2006) (Appendix D).

Although the Air Force satisfied the terms of WDOE's order, and WDOE determined no further action was needed, archaeological field work conducted in 2006 and 2007 for the Mukilteo ferry terminal project encountered areas with soil contamination on the Mukilteo Tank Farm Property. In most cases, the soil contaminant concentrations did not exceed WDOE's approved site-specific soil cleanup standard; however, several locations had hydrocarbon concentrations at levels above applicable standards. However, several archaeological borings in the west and central portions of the property revealed localized residual contamination at lower levels.

Four of the soil samples collected in 2006 and 2007 contained contaminants in excess of the site-specific soil cleanup standards. Three of those four samples (H21 with carcinogenic polycyclic aromatic hydrocarbons (cPAHs) and lead; H22 with benzene; and CPT24 with cPAHs, lead, and silver) were collected 10 to 12 feet below ground surface (BGS) east of the fuels laboratory near the main OWS and former slop tank (Tank 11). The fourth sample (Tank 3-SS with cPAHs) was a surface sample taken from the granular asphalt bedding material beneath the bottom pad of Tank 3 (WSDOT/FTA, 2012b).

Many of the soil samples collected in 2006 and 2007 contained high concentrations of gasoline-, diesel-, or lube oil- range petroleum hydrocarbons, compounds for which no site-specific soil cleanup standards had been established and which were present in excess of current MTCA Method A soil cleanup levels for unrestricted land uses. Gasoline-range petroleum hydrocarbons, and in some cases benzene, toluene, ethylbenzene, and xylene (BTEX) and cPAHs, were detected in excess of MTCA Method A cleanup levels in samples collected from the following locations:

- north of Tank 2;
- between the former truck-loading racks and the pump filters building;
- south of the fuels laboratory;
- near the main OWS;
- west of Tank 16 (which is south of the pump shelter);
- south and west of the former maintenance shop (Building 4);
- north, east, and west of the former storage building (Building 405);

- east of Tank 12, which is southeast of former Building 405; and
- north of Tank 3.

These samples were collected 9 to 12 feet BGS, a depth characterized as a smear zone where petroleum product had accumulated in the past, floating on top of the tidally affected groundwater. The contaminated zone may be 6 to 12 inches thick and near the water table (WSDOT/FTA, 2012b).

Diesel- and lube oil-range petroleum hydrocarbons were present in excess of MTCA Method A cleanup levels in a surface sample taken beneath the bottom pad of Tank 3 (Tank 3-SS). It is believed that the contamination found in this sample exists in the bedding material beneath the large AST pads (WSDOT/FTA, 2012b).

Typically, soil with contaminant concentrations exceeding MTCA Method A cleanup levels for unrestricted land uses must be cleaned up or, at a minimum, hauled off site for disposal if excavated. However, according to the WDOE site manager for the Mukilteo Tank Farm Property, soil on the Mukilteo Tank Farm that has contaminant concentrations greater than MTCA Method A cleanup levels but less than the site-specific soil cleanup standards is considered clean and may be reused on the property. Soil with contaminant concentrations greater than the site-specific soil cleanup standards would need to be cleaned up and may not be reused on the property. The WDOE site manager indicated that cleanup would be to the same site-specific soil cleanup standards used before, regardless of who owns the property, unless scientific rationale indicates a higher or lower standard should apply. However, because the site-specific soil cleanup standards do not address petroleum hydrocarbons and because the gasoline-range organics concentrations found during the 2006 and 2007 sampling were so high, the WDOE site manager indicated that soil contaminated with petroleum hydrocarbons would need to be addressed based on current standards, ranging from disposing of such soil at an appropriate off-site disposal facility to remediating the contamination to a calculated Method B cleanup level (after demonstrating to WDOE's satisfaction that such soil may remain in place) or taking any other approach allowed by MTCA (Sato 2011a; Sato 2011c).

3.5.3 Storage Tanks

USTs are subject to federal regulations within RCRA, 42 U.S.C. 6991 and U.S. EPA implementing regulations 40 CFR Parts 280 and 112. These regulations were mandated by the Hazardous and Solid Waste Amendments of 1984. ASTs are subject to regulation under the Clean Water Act (CWA) (33 U.S.C. Sections 1251-1578) and the Oil Pollution Act (specifically, 40 CFR Part 112). The operation and construction of ASTs is subject to National Fire Protection Association fire codes and the Uniform Fire Code. The Mukilteo Tank Farm also operated in accordance with AFI 32-7044, Storage Tank Compliance.

Fifteen ASTs are/were associated with the Mukilteo Tank Farm Property (Table 3-3). Ten were used to store JP-4/aviation gasoline (AVGAS), two stored diesel fuel, two stored fuel system icing inhibitor (FSII), and one stores non-potable water (used by the Port of Everett). Several USTs, containing heating oil, diesel oil, and downgrade fuel that did not meet Air Force specifications, were also used on the property (see Table 3-3). All petroleum products or their derivatives have been removed from the tanks (U.S. Air Force, 2012b). Although remote, the possibility of contamination may exist beneath the abandoned tanks.

Table 3-3. Storage Tanks

Tank Number	Design Capacity	Gallons (millions)	Construction Material	Status	Product Stored
Aboveground Storage Tanks					
1	55,000 barrels	2.5M	Welded steel	Demolished 1999	AVGAS and JP-4
2	55,000 barrels	2.5M	Welded steel	Demolished 1999	AVGAS and JP-4
3	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
4	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
5	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
6	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
7	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
8	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
9	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
10	80,000 barrels	4M	Welded steel	Demolished 1999	JP-4
13	12,000 gallons		Steel	Empty	Diesel
14	500 gallons		Unknown	Removed 1991	Diesel
15	10,000 gallons		Steel	Empty	FSII
16	2,000 gallons		Steel	Empty	FSII
NA	500 gallons		Steel	Active (Port of Everett)	Non-potable water
Underground Storage Tanks					
11	12,000 gallons		Steel	Removed 1991	Waste fuel
12	12,000 gallons		Concrete	Inactive	Unknown
17	500 gallons		Steel	Removed 1991	Heating oil
19	1,500 gallons		Steel	Removed 1996	Heating oil
NA	2,500 gallons		Steel	Removed 1991	Waste fuel
NA	Unknown		Steel	Removed 1991	Waste fuel
NA	4,400 gallons		Steel	Inactive	Fuel
NA	Unknown		Unknown	Inactive	Fire-fighting foam

Notes: One barrel equals 42 gallons.
AVGAS = aviation gasoline
FSII = fuel system icing inhibitor
JP-4 = jet propulsion fuel, grade 4
NA = not applicable

Source: U.S. Air Force, 2012b.

3.5.4 Asbestos-Containing Material

ACM and ACM abatement are regulated by the U.S. EPA and OSHA. Asbestos fiber emissions into the ambient air are regulated in accordance with Section 112 of the CAA, which established the National Emissions Standards for Hazardous Air Pollutants (NESHAP). Under NESHAP, the owner of a structure must, prior to demolition or renovation of buildings with ACM, provide notice to the regulator with CAA authority (either the U.S. EPA or its state counterpart). The NESHAP regulations (40 CFR Part 61, Subpart M) address the demolition or renovation of buildings with ACM. The Asbestos Hazard Emergency Response Act (AHERA), (P.L. 99-519

and P.L. 101-637), addresses worker protection for employees who work around or remediate ACM.

Renovation or demolition of buildings with ACM has a potential for releasing asbestos fibers into the air. Asbestos fibers could be released due to disturbance or damage to various building materials, such as pipe insulation, acoustical ceilings, sprayed-on fire proofing, and other materials used for sound proofing or insulation. The current Air Force practice is to manage or abate ACM in active facilities and abate any ACM that has been identified as a hazard to human health, following regulatory requirements and prior to facility demolition or renovation. Removal of ACM occurs when there is a potential for asbestos fiber release that would affect human health or the environment.

There are two primary categories that describe ACM. Friable ACM is defined as any material containing more than 1 percent asbestos that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure (e.g., pipe or boiler insulation and acoustic ceilings). Non-friable ACM is material that contains more than 1 percent asbestos but does not meet the criteria for friable asbestos (e.g., floor tile).

An asbestos survey has not been conducted for facilities at the Mukilteo Tank Farm Property. An inventory of existing buildings with the potential to contain asbestos building materials is provided in Table 3-4. Demolishing a building with ACM would have the potential for releasing asbestos into the environment.

Table 3-4. Mukilteo Tank Farm Building Inventory

Building	Previous Use	Asbestos	Lead-Based Paint
1	Air Force Fuels Laboratory	Potential	Potential
6	Fuel Filter Shelter	Potential	None
7	Storage Shed	None	Potential
401	NOAA Laboratory	Potential	Potential
T-408	Former Pump House	Potential	Potential
T-453	Fire Station	Potential	Potential
NA	Main Pump Shelter	Potential	None
NA	Guard Shacks	None	None

NA = not available
NOAA = National Oceanic and Atmospheric Administration
PCB = polychlorinated biphenyl

Source: U.S. Air Force, 2012b.

3.5.5 Lead-Based Paint

Human exposure to lead has been determined to pose an adverse health risk by agencies such as OSHA and the U.S. EPA. Sources of exposure to lead are dust, soils, and paint. In 1973, the Consumer Product Safety Commission (CPSC) established a maximum lead content in paint of 0.5 percent by weight in a dry film of newly applied paint.

The use of LBP declined after 1978 when the CPSC lowered the allowable lead content in paint to 0.06 percent by weight from its 1973 level of 0.5 percent by weight in a dry film of newly applied paint. This change was made under the Consumer Safety Act of 1977, P.L. 101-608, as implemented by 16 CFR Part 1303. DOD implemented a ban of LBP use in 1978; however, it is possible that facilities painted prior to or during 1978 may contain LBP. The Air Force does not

actively pursue removal of LBP. Instead, it is managed in place and removed by the Air Force, as necessary.

A LBP survey has not been conducted for facilities at the Mukilteo Tank Farm Property. An inventory of existing buildings with the potential to contain LBP is provided in Table 3-4. Demolishing a building containing LBP would have the potential for releasing lead into the environment.

3.5.6 Ordnance

Because of the historical use of the site to transfer ammunition and unsubstantiated report of crates of ammunition falling into the water, an underwater survey of the Mukilteo Tank Farm pier and a dismantled ammunition pier site was conducted in 1993. The Navy Explosive Ordnance Division at Whidbey Island Naval Air Station conducted a munitions sweep underneath and adjacent to the pier. This investigation found no munitions or evidence of munitions. Marine sediment adjacent to the pier was also analyzed for munitions contaminants (as part of the RI/FS) and no contaminants were detected (U.S. Air Force, 2012b). Subsequent testing by WSF in 2012 also confirmed no presence of ordinance or contaminants associated with ordnance (Parametrix, 2012).

3.6 GEOLOGY AND SOILS

The discussion of geology and soils covers features of the physical environment that may be affected by, or have an impact upon, the proposed activities. These include topography, geology (surface and bedrock), seismicity, and soils (types and properties). Although the discussion of geology includes the regional discussion needed to understand this setting, the ROI is considered to be localized and limited to the Mukilteo Tank Farm Property.

3.6.1 Topography

The proposed site is nearly level to gently sloping and has an approximate elevation of 13 feet above mean sea level (MSL). A bluff to the south of the site rises to approximately 50 feet above MSL with multiple benches rising to approximately 550 feet above MSL near Paine Field. The northern boundary of the site is Possession Sound, with the Air Force property line extending to the lowest tide line (-4.5 feet estimated). The area east of the site is regionally known as the Puget Sound Uplands (U.S. Air Force, 2012b).

3.6.2 Geology

The Mukilteo Tank Farm as built on up to 15 feet of artificial fill overlying Holocene beach deposits. Although the source of the fill is unknown, it consists of unconsolidated poorly- to moderately well-graded sand and gravel. Holocene beach sediments are exposed at low tide on tidal flats and intertidal beaches along the northern edge of the property. In the northeastern portion of the property these sediments comprise a broad tidal flat that extends several hundred feet into Possession Sound from the base of the existing riprap seawall. The Holocene deposits are underlain by Pleistocene glacial drift deposits. The contact between the beach deposits and the glacial drift is estimated to be approximately 30 feet below ground surface (U.S. Air Force, 2012b).

A high landslide susceptibility zone has been established along the bluff south of the Mukilteo Tank Farm Property by the City of Mukilteo under the Critical Hazard Ordinance. The potential for landslide in the immediate vicinity of the proposed ferry terminal development is low; however, other portions of the Mukilteo Tank Farm Property could be affected by potential

landslides from the bluff. Several small landslides were identified along the bluff area during landslide surveys in 1996 and 2010-2011, indicating the bluffs are susceptible to landslides, and additional hazard areas may be present.

Offshore landslides have the potential to occur in the project area due to the relatively loose nature of the submarine beach deposits and steep slope inclination in the area. A submarine landslide area has been identified offshore approximately 550 feet north of the Mukilteo Tank Farm Property (WSDOT/FTA, 2012a).

3.6.3 Seismic Activity

Sixteen earthquakes of magnitude 5.0 or greater have occurred within 100 miles of the Mukilteo Tank Farm Property between 1872 and 2001. No faults are known to exist beneath the property; however, the Southern Whidbey Island Fault Zone is approximately one-third of a mile west of the property. Based on U.S. Geological Survey (USGS) seismic information, the area has a risk of an earthquake of magnitude greater than 7 from the Southern Whidbey Island Fault Zone. Modeling indicates that there is a potential for a minor tsunami (0.5 meter wave height) in Mukilteo if an earthquake with a magnitude greater than 7 occurs along the Southern Whidbey Island Fault Zone (WSDOT/FTA, 2012a). The general area where the Mukilteo Tank Farm is situated is classified as a high liquefaction area.

3.6.4 Soils

Soils at the Mukilteo Tank Farm Property are classified as Urban Land (United States Department of Agriculture, 1983). Natural soils on the property are covered by artificial fill and by impervious surfaces (i.e., streets, buildings, parking lots, tank pads, and other structures). The nature of the fill material is such that it is non-uniform. The soils in the areas immediately adjacent to the property are the Alderwood/Everett gravelly, sandy loams and the Kitsap loam (southwest corner of the property), which are characterized as moderately to very deep over the glacial deposits in the area and are moderately well drained (U.S. Air Force, 2012b).

3.7 WATER RESOURCES

Water resources include both surface water features, such as lakes, oceans, and creeks, and groundwater. The ROI for water resources has been defined to include the Mukilteo Tank Farm Property.

3.7.1 Surface Water

The Mukilteo Tank Farm Property is located within the Snohomish River watershed, along the shoreline of Possession Sound, an arm of Puget Sound. Surface water resources within the project vicinity include a freshwater stream within Japanese Gulch south of the site, associated riparian wetlands to the south and upstream from the Mukilteo Tank Farm Property, and marine waters of Possession Sound. Japanese Creek originates near Paine Field Boulevard in the city of Everett and flows north toward the Mukilteo Tank Farm Property through a steep narrow ravine known as Japanese Gulch. After descending through Japanese Gulch, the stream flows into a culvert (that is a partial fish barrier) under the BNSF railroad tracks, and enters an underground vault on the north side of the railroad tracks. Stream flows then are diverted into two routes. The first route is a 42-inch-diameter culvert extending through the Mukilteo Tank Farm Property and enters Possession Sound. The second route is a 48-inch-diameter pipe extending east along the railroad tracks to an outfall to Possession Sound at the Mount Baker Terminal (WSDOT/FTA, 2012a).

No regulated wetlands have been identified within or adjacent to the Mukilteo Tank Farm Property (Washington Department of Fish and Wildlife, 2006).

The extreme western portion of the Mukilteo Tank Farm Property is within a 100-year flood hazard area as established by the Federal Emergency Management Agency (FEMA) (FEMA, 1999). This portion of property is being transferred to both the Port of Everett and the Department of Commerce. A Finding of No Practical Alternative (FONPA) in accordance with EO 11988, Floodplain Management, will be required because the proposed action involves conveyance of property within a designated flood hazard area to a non-federal entity. The grantee, transferee, and any successors in interest will be required to comply with applicable Federal and State law and regulations regarding potential impacts to floodplains. In addition, no wetlands have been identified within or adjacent to the Mukilteo Tank Farm Property (Washington Department of Fish and Wildlife, 2006).

3.7.2 Ground Water

The Mukilteo Tank Farm Property overlies the Intercity Plateau Aquifer, an unconsolidated sand and gravel aquifer. Groundwater within the area is not potable due to the saltwater intrusion, nor is it used as a source of industrial water (U.S. Air Force, 2012b). The depth from surface to groundwater is approximately 7 to 10 feet. Due to tidal variations in Possession Sound, the groundwater level fluctuates approximately 1 to 3 feet daily. At low tide, the groundwater flow is north, towards Possession Sound. At high tide, the water table near the northern boundary of the property reverses direction and flows south, away from Possession Sound. The groundwater is recharged by on-and off-site infiltration of rainwater, and from the aquifer in the uplands to the south (WSDOT/FTA, 2012a).

Groundwater underlying portions of the property were contaminated with petroleum hydrocarbons and heavy metals as a result of past uses of the Mukilteo Tank Farm. After remediation between 1997 and 2002, monitoring results showed that soil, groundwater, surface water, and marine sediment were compliant with the provisions of the WDOE-approved compliance monitoring plan (WDOE, 2006).

3.8 AIR QUALITY

Air quality in a given location is described as the concentration of various pollutants in the atmosphere, generally expressed in units of ppm or micrograms per cubic meter ($\mu g/m^3$). Short-term or long-term effects on air quality is determined by the type and cumulative amount of pollutants emitted into the atmosphere from various sources, the size and topography of the air basin, and the prevailing meteorological conditions. The significance of a pollutant concentration is determined by comparing it to federal and/or state ambient air quality standards. These standards represent the maximum allowable atmospheric concentrations that may occur and still protect public health and welfare with a reasonable margin of safety.

The U.S. EPA established the federal standards for the permissible levels of certain pollutants in the atmosphere. The National Ambient Air Quality Standards (NAAQS) have been established for seven criteria pollutants: ozone, nitrogen dioxide (NO_2), particulate matter equal to or less than 10 microns in diameter (PM_{10}), particulate matter equal to or less than 2.5 microns in diameter ($PM_{2.5}$), carbon monoxide (CO), sulfur dioxide (SO_2), and lead. Ozone is a secondary pollutant formed in the atmosphere by photochemical reactions of previously emitted pollutants, or precursors. The ozone precursors are nitrogen oxide (NO_X) and volatile organic compounds (VOCs). The NAAQS are shown in Table 3-5.

Table 3-5. National Ambient Air Quality Standards

Pollutant	Averaging Time	Primary[a,b,c,d]	Secondary[a,b,e]
Ozone	8-hour	0.075 ppm (147 $\mu g/m^3$)	Same as primary standard
Carbon Monoxide	8-hour	9 ppm (10 mg/m^3)	--
	1-hour	35 ppm (40 mg/m^3)	--
Nitrogen Dioxide	Annual Arithmetic Mean	0.053 ppm (100 $\mu g/m^3$)	Same as primary standard
Sulfur Dioxide	Annual Arithmetic Mean	0.03 ppm (80 $\mu g/m^3$)	--
	24-hour	0.14 ppm (365 $\mu g/m^3$)	--
	3-hour	--	0.5 ppm (1,300 $\mu g/m^3$)
PM_{10}	24-hour	150 $\mu g/m^3$	Same as primary standard
$PM_{2.5}$	Annual Arithmetic Mean	15 $\mu g/m^3$	Same as primary standard
	24-hour	35 $\mu g/m^3$	Same as primary standard
Lead	30-day	--	--
	Quarterly	1.5 $\mu g/m^3$	Same as primary standard

Notes: (a) Primary standards define levels of air quality necessary to protect public health with an adequate margin of safety. Secondary standards define levels of air quality necessary to protect public welfare (i.e., soils, vegetation, property, and wildlife) from any known or anticipated adverse effects.

(b) The 8-hour primary and secondary ambient air quality standards are met at a monitoring site when the average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm.

(c) The NAAQS standards are based on standard temperature and pressure of 25 degrees Celsius and 760 millimeters of mercury.

(d) National Primary Standards: The levels of air quality necessary to protect the public health with an adequate margin of safety. Each state must attain the primary standards no later than three years after the state implementation plan is approved by the U.S. EPA.

(e) National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Each state must attain the secondary standards within a "reasonable time" after the state implementation plan is approved by the U.S. EPA.

EPA = Environmental Protection Agency
$\mu g/m^3$ = micrograms per cubic meter
mg/m^3 = milligrams per cubic meter
NAAQS = National Ambient Air Quality Standards
$PM_{2.5}$ = particulate matter equal to or less than 2.5 microns in diameter
PM_{10} = particulate matter equal to or less than 10 microns in diameter
ppm = parts per million

Areas that meet the NAAQS standard for a criteria pollutant are designated as being "in attainment" while areas where criteria pollutant levels exceed the NAAQS are designated as "nonattainment". The nonattainment classifications for CO and PM_{10} are further divided into moderate and serious categories. Ozone nonattainment areas are further classified, based on the severity of the pollution problem, as either basic, marginal, moderate, serious, severe, or extreme. A maintenance area is an area that has recently been re-designated as an attainment area from a

former nonattainment area. However, during the maintenance period, most of the CAA rules for a nonattainment area are still applicable to a maintenance area.

3.8.1 Current Air Quality Conditions

Three agencies have jurisdiction over ambient air quality in the vicinity of the Mukilteo Tank Farm Property: the U.S. EPA, the WDOE, and the Puget Sound Clean Air Agency (PSCAA). Unless the state or local jurisdiction has more stringent standards, the U.S. EPA standards apply. The ROI for air quality is the Puget Sound region.

The Mukilteo Tank Farm Property is within an air quality maintenance area for ozone and CO and is in attainment for all other criteria pollutants (WDOE, 2012). Typical existing sources of air pollution near the Mukilteo Tank Farm Property include small commercial sources (e.g., restaurants), marine vessels, train locomotives, vehicular traffic, and residential wood burning devices. Residential wood burning produces a variety of contaminants including large quantities of fine PM_{10} and $PM_{2.5}$ and CO. Pollutant emissions from diesel sources include $PM_{2.5}$ and a variety of toxic air pollutants. Non-diesel emissions are comprised primarily of CO, but also include small amounts of SO_2, toxic air pollutants, and both hydrocarbons and nitrogen oxides, which can transform to become ground-level ozone (Port of Everett, 2004).

In areas where the NAAQS are exceeded, preparation of a State Implementation Plan (SIP) detailing how the state will attain the standard within mandated time frames is required. Section 176c of the CAA provides that a federal agency cannot support a federal action in any way unless the federal agency determines that the activity will conform to the SIP's purpose of attaining and maintaining the NAAQS, listed in Table 3-5.

The CAA, amended in 1990, expands the scope and content of the CAA's conformity provisions in terms of their relationship to a SIP. Under Section 176(c) of the CAA, a project is in "conformity" if it corresponds to a SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. Conformity further requires that such activities do not:

(1) Cause or contribute to any new violations of any standards in any area;

(2) Increase the frequency or severity of any existing violation of any standards in any area; or

(3) Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The U.S. EPA published final rules on general conformity (40 CFR Parts 51 and 93 in the Federal Register on November 30, 1993) that apply to federal actions in areas designated nonattainment for any of the criteria pollutants under the CAA. The rules specify *de minimis* emission levels by pollutant to determine the applicability of conformity requirements for a project. As defined in the general conformity rule, a formal conformity determination is required when the annual net total of direct and indirect emissions from a federal action, occurring in a nonattainment or maintenance area, equals or exceeds the annual de minimis levels for criteria pollutants.

However, the final rule also defines a series of exemptions under 40 CFR 93.153(c) (2). In particular, the general conformity rules are not applicable to the proposed Mukilteo Tank Farm conveyance under Exemptions XIV and XIX, which respectively read:

"Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form and method of the transfer."

"Actions (or portions thereof) associated with transfers of land, facilities, title, and real properties through an enforceable contract or lease agreement where the delivery of the deed is required to occur promptly after a specific, reasonable condition is met, such as promptly after the land is certified as meeting the requirements of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and where the Federal agency does not retain continuing authority to control emissions associated with the lands, facilities, title, or real properties."

As a regionally significant project, the proposed Mukilteo Multimodal Ferry Terminal development is included in the current regional transportation plan (RTP), and in the Central Puget Sound Regional 2007-2010 Transportation Improvement Program (TIP), which lists current transportation projects. The RTP and the TIP meet the conformity requirements identified by federal regulators (WSDOT/FTA, 2012a).

3.8.2 Greenhouse Gas Emissions

Greenhouse gases are compounds found naturally in the Earth's atmosphere. The compounds trap infrared heat converted from the sunlight inside Earth's atmosphere. In this way, greenhouse gases act as insulation, and contribute to the maintenance of global temperatures. As the levels of greenhouse gases increase; however, the result is a greater overall temperature on Earth. As 83 percent of greenhouse gases are carbon dioxide (CO_2) emissions, this EA considers CO_2 as the representative greenhouse gas emission and provides estimated CO_2 levels as appropriate for disclosure purposes.

3.9 NOISE

Noise is usually defined as sound that is undesirable because it interferes with speech communication and hearing, is intense enough to damage hearing, or is otherwise annoying. The characteristics of sound include parameters such as amplitude, frequency, and duration. Sound can vary over an extremely large range of amplitudes. The decibel (dB), a logarithmic unit that accounts for the large variations in amplitude, is the accepted standard unit for the measurement of sound. Different sounds may have different frequency contents. When measuring sound to determine its effects on a human population, A-weighted sound levels (dBA) are typically used to account for the frequency response of the human ear. A-weighted sound levels represent sound levels where adjustments established by the American National Standards Institute are applied to the frequency content of the sound.

Human ability to perceive changes in noise levels varies widely from person to person, as do responses to perceived changes. Human conversation generally ranges between 44 and 65 dBA when people are about 3 to 6 feet apart. Generally, the smallest change in noise level that the human ear can perceive is a 3 dBA increase in noise. An increase of 5 or 6 dBA is readily noticeable, and sound that increases by 10 dBA appears to be twice as loud to most listeners.

The ROI for the noise analysis includes the Mukilteo Tank Farm Property and adjacent areas.

3.9.1 Existing Noise Levels

Current activities at the Mukilteo Tank Farm Property do not generate excessive noise levels; primary activities generating noise include operating vehicles and grounds maintenance

(e.g., mowing of lawn areas). Ferry operations, barge and rail traffic at the Mount Baker Terminal, train movement along the adjacent railroad, surface traffic on local streets and ferry holding area, and aircraft noise from Paine Field are the existing primary sources of noise in the vicinity of the Mukilteo Tank Farm Property.

3.10 BIOLOGICAL RESOURCES

Biological resources include both native and non-native species of plants and animals in the project area. For discussion purposes, these are divided into vegetation, wildlife, threatened and endangered species, and sensitive habitats. Human activity has altered the natural environment at the Mukilteo Tank Farm Property through grading, paving, and construction of buildings on the property. Data sources for biological resources include published literature, and information provided by the U.S. Fish and Wildlife Service (USFWS) and Washington Department of Fish and Wildlife.

The ROI used for discussion of biological resources includes the Mukilteo Tank Farm Property and adjacent areas. This ROI includes the area within which potential impacts could occur and provides a basis for evaluating the level of impact.

3.10.1 Vegetation

The Mukilteo Tank Farm Property is almost entirely paved or graveled. Vegetation is sparse throughout the property, with minimal species growing along the fence line, the access road, and in other locations throughout the property, including along the pier. Vegetation along the access road includes Himalayan blackberry (*Rubus armeniacus*), maple (*Acer* spp.), willow (*Salix* spp.), red alder (*Alnus rubra*), and butterfly bush (*Buddleja davidii*). Several Pacific madrones (*Arbutus menziessi*) exist within the western portion of the tank farm, near Park Avenue.

Marine vegetation occurring in the nearshore environment adjacent to the tank farm include eelgrass (*Zostera marina*), and green algae species (*Ulva* spp. and *Enteromorpha* spp.). Eelgrass surveys of the neighboring rail/barge transfer facility were conducted in 2002 and 2003. These surveys identified a continuous band of eelgrass in the nearshore waters parallel to the rail/barge transfer facility. However, a dive survey conducted in 2011 to examine the development footprints of the proposed ferry terminal options did not identify eelgrass within the development locations off shore of the Mukilteo Tank Farm Property (WSDOT/FTA, 2012a).

3.10.2 Wildlife

Terrestrial wildlife on the Mukilteo Tank Farm Property is scarce. Since the tank farm area is almost entirely paved or graveled there is little or no useful habitat. It is assumed that species highly adapted to urbanized conditions could potentially be found in the tank farm area (e.g., crows, starlings, gulls, etc.).

Marine wildlife utilizing the waters parallel to the tank farm site may include many species of fish and seabirds and a low number of marine mammals. Species information from the Mukilteo Ferry Terminal nearshore surveys in 2002 (Williams et. al., 2003) can be applied to nearshore areas of the tank farm due to the proximity of the two facilities. Species likely to be found in the nearshore environment of the tank farm are listed in Table 3-6. Some of the bird species listed are likely to nest on the pier.

Gray whales migrating north pass through Washington waters from March through May; southward migration takes place in December and January. Some whales enter Willapa Bay,

Table 3-6. Species Likely to Occur in Nearshore Waters

Common Name	Scientific Name
Birds	
Common Loon	*Gavia immer*
Western Grebe	*Aechmophorus occidentalis*
Double-crested Cormorant	*Phalacrocorax auritus*
Barrows Goldeneye	*Bucephala islandica*
Surf Scoter	*Melanitta perspicillata*
Common Merganser	*Mergus merganser*
Pigeon Guillemot	*Cepphus Columba*
Marbled murrelet	*Brachyramphus marmoratus*
Great blue heron	*Ardea Herodias*
Bald eagle	*Haliaeetus leucocephalus*
Golden eagle	*Aquila chrysaetos*
Mammals	
California sea lion	*Zalophus californianus*
Steller sea lion	*Eumetopias jubatas*
Pacific Harbor seal	*Phoca vitulina*
Fish	
Chum salmon	*Oncorhynchus keta*
Pink salmon	*Oncorhynchus gorbuscha*
Chinook salmon	*Oncorhynchus tshawytscha*
Bull trout	*Salvelinus confluentus*
Spotted ratfish	*Hydrolagus colliei*
Quillback rockfish	*Sebastes maliger*
Copper rockfish	*Sebastes caurinus*
Kelp greenling	*Hexagrammos decagrammus*
Lingcod	*Ophiodon elongates*
Sculpin spp.	*Cottidae spp.*
Cabezon	*Scorpaenichthys marmoratus*
Staghorn sculpin	*Leptocottus armatus*
Buffalo sculpin	*Enophrys bison*
Threadfin sculpin	*Icelinus filamentosus*
Padded sculpin	*Artedius fenestralis*
Sailfin sculpin	*Nautichthys oculofasciatus*
Prickleback spp.	*Stichaeidae*
Gunnel spp.	*Pholididae*
Flatfish spp.	*Bothidae or Pleuronectidae*
Rock sole/Turbot	*Pleuronichthys spp.*
English sole	*Pleuronectes vetulus*
Sanddab spp.	*Citharichthys spp.*
Tubesnout	*Aulorhynchus flavidus*
Pacific sandlance	*Ammodytes hexapterus*
Surf smelt	*Hypomesus pretiosus*
Striped surfperch	*Embiotoca lateralis*
Shiner surfperch	*Cymatogaster aggregate*

Source: Williams et. al., 2003.

Greys Harbor, the Strait of Juan de Fuca, as well as Puget Sound during migration and summer in these areas.

3.10.3 Threatened and Endangered Species

Threatened and endangered species that the USFWS has listed for Snohomish County include bull trout (*Salvelinus confluentus*), Canada lynx (*Lynx canadensis*), gray wolves (*Canis lupus*), grizzly bears (*Ursus arctos*), marbled murrelets (*Brachyramphus marmoratus*), and northern spotted owls (*Strix occidentalis caurina*) (USFWS, 2012). The tank farm offers no useful terrestrial habitat; therefore, it is assumed that Canada lynx, gray wolves, grizzly bears, and northern spotted owls do not occur on the tank farm. It is possible that bull trout and marbled murrelets utilize the nearshore waters parallel to the tank farm.

Endangered species occurring in the marine waters of Washington fall under the jurisdiction of the NMFS. Federally-listed marine mammals that may occur in Puget Sound include the endangered southern resident killer whale (*Orcinus orca*), the endangered humpback whale (*Megaptera novaeangliae*), the endangered bocaccio *(Sebastes paucispinis)*, and the threatened Steller sea lion (*Eumetopias jubatus)* (NOAA, 2012a). The humpback whale and Steller sea lion have not been reported in or near the waters adjacent to the tank farm area. No critical habitat for Steller sea lions exists in Washington; the only known Steller sea lion rookery in Washington is on the west coast of the Olympic Peninsula, although small groups are often seen foraging in Puget Sound. Southern resident killer whale have been observed in the Puget Sound waters near the tank farm.

Marine Federally-listed fish species occurring in Puget Sound include the threatened Chinook salmon (*Oncorhynchus tshawytscha*) and the species of concern listed coho salmon (*O. kisutch*) (NOAA, 2012a). Both Chinook and coho salmon have been documented in the nearshore waters of the tank farm (Williams et. al., 2003; NOAA, 2012a).

There are four Federally-listed sea turtle species (leatherback, loggerhead, green, and Olive Ridley) listed for the State of Washington (NOAA, 2012a). Sightings and strandings of sea turtles in Washington are very rare, and there are no breeding beaches in the northwest region (NOAA, 2012a). The range of the sea turtle does not typically include inland Washington waters (e.g., Puget Sound); therefore, they are not expected to be in the waters near the Mukilteo Tank Farm Property.

Descriptions of protected species that may occur in and along the Puget Sound near the Mukilteo Tank Farm Property are provided below.

Bull Trout. Based on acoustic tagging studies, bull trout from the Snohomish River system occasionally move along the shoreline between Everett and Mukilteo (Pentec, 2002). Bull trout are listed as threatened by the USFWS. Bull trout belong to the char group of the salmon family. Temperature is a major factor influencing bull trout distribution since spawning, egg incubation, and juvenile rearing all require specific temperatures. Bull trout prefer streams with abundant cover and clean gravel and spawn in the fall in western Washington (October-November) (Shellberg, 2002).

Steelhead. The Puget Sound distinct population segment of steelhead trout includes steelhead from river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal, Washington. The species is present in Possession Sound and likely to be found in the project vicinity (WSDOT/FTA, 2012a).

Chinook Salmon. Chinook salmon, listed as threatened, is commonly referred to as king salmon and is the largest of the Pacific salmon. Chinook salmon with different life-history strategies use marine habitat (estuary, coastal, and ocean) to different extents. The diet of outmigrating ocean-type Chinook salmon varies geographically and seasonally. The ocean migrations of Chinook salmon extend well into the North Pacific Ocean (Myers et. al., 1998). Since the Puget Sound Evolutionary Significant Unit (ESU) Chinook salmon range does include the waters adjacent to the tank farm area (NOAA, 2004), it is possible that this species could be in the waters near the tank farm. A small number of Chinook salmon were observed during a 2002 sampling/survey study of the Mukilteo Ferry Terminal (Williams et. al., 2003).

Coho Salmon. The Coho salmon was listed as a species of concern in 2004. This Puget Sound/Strait of Georgia ESU includes naturally spawned populations of coho salmon from drainages of Puget Sound and Hood Canal, the eastern Olympic Peninsula (east of Salt Creek), and the Strait of Georgia from the eastern side of Vancouver Island and the British Columbia mainland (north to and including the Campbell and Powell Rivers), excluding the upper Fraser River (NOAA, 2012b).

Bocaccio. In the Puget Sound region, adult bocaccio appear to be limited to areas around Tacoma Narrows and Point Defiance. There is little information about their use of the project area. The project area has appropriate depths, steepness, and substrate complexity for adults; historically, bocaccio have been documented in the project vicinity (WSDOT/FTA, 2012a).

Marbled Murrelet. The marbled murrelet, listed as threatened, may occur in the nearshore waters adjacent to the tank farm. These small seabirds are found year-round in coastal areas throughout Washington. Areas of winter concentration are the southern and eastern end of the Strait of Juan de Fuca, Sequim (Clallam County), Discovery and Chuckanut Bays (Whatcom County), the San Juan Islands (San Juan County) and Puget Sound. The southern Washington coast is also considered an important wintering area. When observed offshore, marbled murrelets are typically found in pairs and within a mile of shore. During the breeding season, they are present along almost all of Washington's marine shoreline, concentrated in areas with abundant food and nearby nesting habitat (Seattle Audubon Society, 2005).

Steller Sea Lion. The Steller sea lion, listed as threatened, are not expected to be common in the Mukilteo Tank Farm area although an occasional individual has been seen within the general vicinity of central Puget Sound. No rookeries or haul-out areas have been reported in or near the tank farm. Steller sea lion habitat includes both marine and terrestrial areas that are used for a variety of purposes. Terrestrial areas (e.g., beaches) are used as rookeries for pupping and breeding. Rookeries usually occur on beaches with substrates that include sand, gravel, cobble, boulder, and bedrock (NMFS, 1992). Haul-out areas are used other than during the breeding and pupping season. When Steller sea lions are not using rookery or haul-out areas, they occur in nearshore waters and out over the continental shelf. Some individuals may enter rivers in pursuit of prey (Jameson and Kenyon, 1977).

Southern Resident Killer Whale. The range of the southern resident killer whale includes the intracoastal waterways of Washington and may occur in the Puget Sound waters near the Mukilteo Tank Farm Property (NOAA, 2005b). Killer whales are considered the most widespread cetacean with regard to range. These animals normally travel in "pods" and are considered to be social. The diet of the killer whale ranges from schooling fish and squid to seals and even other whales (Reeves et al., 2002). The minimum population number for the southern resident killer whale is an estimated 83 individuals (NOAA, 2005b).

Proposed critical habitat for the southern resident killer whale, as published on June 15, 2006 (71 FR 34571), specifies three areas for designation:

- The summer core area in Haro Strait and waters around the San Juan Islands
- Puget Sound
- Strait of Juan de Fuca.

The Mukilteo Tank Farm Property falls within Puget Sound, Area 2, which extends south from the Deception Pass Bridge to the entrance to Admiralty Inlet, and Hood Canal Bridge (NMFS, 2006). The presence of southern resident killer whales in this area is intermittent, with the least number of sightings in May-July (NMFS, 2006).

3.10.4 Sensitive Habitats

The Mukilteo Tank Farm Property is either paved, covered with gravel, or otherwise occupied by buildings or structures, and is heavily disturbed due to the grading of fill used in the development for much of the site. As a result, no functional wetlands, mudflats, or riparian vegetation exist on the property.

Eelgrass provides food production and physical structure for the biological community, and is nursery habitat for many commercial fisheries species (Murphy et. al., 2000). Eelgrass is normally considered Essential Fish Habitat (EFH). EFH is legally defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" (NOAA, 2005a). Eelgrass surveys of the neighboring rail/barge transfer facility were conducted in 2002 and 2003. These surveys identified a continuous band of eelgrass in the nearshore waters parallel to the rail/barge transfer facility. However, a dive survey conducted in 2011 to examine the development footprints of the proposed ferry terminal options did not identify eelgrass within the development locations off shore of the Mukilteo Tank Farm Property (WSDOT/FTA, 2012a).

3.11 CULTURAL RESOURCES

Cultural resources are defined as prehistoric or historic archaeological sites, buildings, structures, districts, artifacts, or other physical evidence of human activity. For ease of discussion, cultural resources have been divided into archaeological resources, and historic buildings and structures.

For the purposes of this analysis, the term ROI is synonymous with the "area of potential effect" as defined under cultural resources legislation. The ROI for the analysis of cultural resources within this EA includes any structures and areas that may be affected by conveyance activities. This entails the entire Mukilteo Tank Farm Property.

Numerous laws and regulations require federal agencies to consider the effects of a proposed action on cultural resources. These laws and regulations stipulate a process for compliance, define the responsibilities of the federal agency proposing the action, and prescribe the relationships among other involved agencies (e.g., the State Historic Preservation Officer [SHPO]). The primary law governing the treatment of cultural resources is the National Historic Preservation Act (NHPA), which requires a federal agency to consider potential impacts on historic properties from any proposed undertaking.

In compliance with the NHPA, the Air Force has completed the Section 106 consultation process with the DAHP, as the SHPO. Significant cultural resources, whether they are prehistoric, historic, or traditional in nature, are referred to as "historic properties." Under 36 CFR Part 800,

historic properties, are defined as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places (National Register). For the purposes of these regulations, the term includes artifacts, records, and remains that are related to, and located within, such properties. The term "eligible for inclusion in the National Register" includes properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria. Therefore, sites that meet the criteria, but are not yet evaluated, are considered potentially eligible to the National Register and, as such, are afforded the same regulatory consideration as listed historic properties. The Air Force has completed its responsibilities to identify and evaluate historic properties associated with this property.

Background

Point Elliott lies within the traditional territory of the Snohomish, presently the largest Native American group that occupies the Tulalip Indian Reservation north of the city of Everett and Possession Sound. The lifeways of the Snohomish were oriented primarily towards the sea and river of the same name, which served as a means of transport and source for food and raw material. The Mukilteo vicinity, the name meaning "a good place to camp" in the native Salish language, was well known historically as a gathering place for local Native American people and made it an area that likely witnessed interactions between the Snohomish and neighboring Native American peoples. These groups included the Snoqualmie who lived inland and upstream along the Snohomish and Snoqualmie Rivers and their tributaries; the Suquamish, who traditionally occupied northern Kitsap peninsula; the Duwamish, who lived further south near present-day Seattle and the Duwamish River valley; and the Swinomish, Lummi, Skagit, and other tribal communities living on the islands and mainland to the north. Although dependence on a marine economy varied somewhat among these peoples, Puget Sound was a fundamentally important means of transportation, communication, and subsistence for all of them (WSDOT/FTA, 2012c).

In 1850, the U.S. Congress passed a measure called the Donation Land Law, which provided generous land grants to current residents of the Oregon territory and encouraged migration to the region. Settlers moved onto land that was important for the subsistence patterns of Native peoples. When the Washington Territory was created in 1853 from the northern portion of the Oregon Territory, Isaac Ingalls Stevens was appointed as the first territorial governor and also named *ex officio* Superintendent of Indian Affairs. Stevens had a mandate to make treaties with the Indian peoples of Washington and extinguish their title to lands American settlers had claimed. Stevens held a series of treaty-making sessions with various tribal groups throughout Western Washington in the winter of 1854-1855. The prominence of Point Elliott as a landmark combined with the importance of the area to Native American groups was reflected in its selection as the site for one of these meetings. On January 22 and 23, 1855, Governor Stevens and his aides met with over 2,000 Indians of the northeast Puget Sound region, including representatives of the Snohomish as well as the Snoqualmie, Skopahmish (Muckleshoot), Stillaguamish, Skagit, Lummi, Suquamish, Sauk-Suiattle, Duwamish, and other tribes. This treaty promised payment to the tribes; retention of hunting, fishing, and shellfish gathering rights; and services in exchange for aboriginal lands. The treaty also proposed several reservations. The Snohomish were to join the Snoqualmie, Stillaguamish, and Skykomish on the new Tulalip Reservation, while the Sammamish were to move either to the Port Madison Reservation or the Tulalip Reservation. Smaller reservations were established for the Swinomish and Lummi on the Skagit and Nooksack Rivers (WSDOT/FTA, 2012c).

The combined tribes residing within the Tulalip Reservation became known as the Tulalip Tribes of Washington. The Tulalip Reservation is west of the town of Marysville and has Tulalip Bay as its geographical center. In recent times, the Snoqualmie and Stillaguamish have gained separate federal recognition. The remnants of Native American occupation of Point Elliott are no longer visible, having been covered in successive layers by late nineteenth century historic development

of the Mukilteo waterfront, early twentieth century construction and expansion of the Mukilteo Lumber Company/Crown Lumber Mill, and mid-twentieth century military use (WSDOT/FTA, 2012c).

3.11.1 Archaeological Resources

During archaeological monitoring of geotechnical drilling performed under a temporary Air Force right of entry obtained in support of the design of the original multi-modal ferry terminal proposal in 2005, stratified shell midden deposits were observed within two boreholes. The midden was found beneath historic fill ranging from less than 3 to over 13 feet in thickness. Subsequently, the Port of Everett discovered wood fragments in a trench located near the intersection of Park Avenue and First Street which were believed to be associated with the Superior Shingle Mill (Crown Lumber Company) previously located on the property. The Crown Lumber Company was formerly known as the Mukilteo Lumber Company and the mill was constructed in 1903. The mill was closed in 1930 and was destroyed by a fire in 1938 (NWAA 2008).

The Port of Everett obtained an Archaeological Resources Protection Act (ARPA) permit from McChord AFB in 2006 to enable investigation of the identified resources of potential significance. Subsequent boring, surveys, and excavations performed by Washington State Ferries under the ARPA permit for use in characterizing cultural resources on the site for the proposed Multi-modal Ferry Terminal facility revealed the Mukilteo Shoreline Site (45SN393), a shell-midden extending over 2000 feet in length and ranging from about 30 to 100 feet in width; as well as remains associated with the Crown Lumber Company (45SN404), later expanded and renamed, the Old Mukilteo Townsite. This investigation focused on determining eligibility for listing on the National Register as well as determining if additional historic properties existed within the ferry terminal project area.

Excavations and evaluation at the Mukilteo Shoreline Site (45SN393) recommended that the site was eligible under Criterion D for its ability to contribute to the understanding of human prehistory, as it contains data classes useful for addressing important questions about the late prehistoric period in the central Puget Sound region. The site can provide information about pre-contact inhabitants of the region and contribute to a regional synthesis of larger patterns of Native American occupation of the Puget Sound region. The lithostratigraphic sequence can provide an understanding of the physical sequence of geomorphic events at the site and its immediate area, as well as landform history (NWAA, 2008). The Air Force determined the site was eligible (U.S. Air Force, 2011) and received concurrence from DAHP (DAHP, 2011a). Excavations and evaluation at the Old Mukilteo Townsite (45SN404) recommended that the site was eligible under Criterion A for the site's association with the development of the lumber industry in the Pacific Northwest and under Criterion D for its ability to contribute to the understanding of the history of Euroamerican development within the Pacific Northwest, as the site contains historic remains associated with early settlement of Mukilteo. The site can provide information on chronology of Euroamerican settlement and site formation, regional trade and commodity flow, foodways, and the social and economic status of the history inhabitants of Mukilteo (NWAA, 2008). The Air Force determined the site was eligible (U.S. Air Force, 2011) and received concurrence from DAHP (DAHP, 2011a).

Also in 2006, during utility installation along the southern boundary of the tank farm property along the BNSF railroad, artifacts were discovered by the archaeological monitor and a more in-depth cultural resources survey was undertaken in 2007 at this site. The purpose of this survey was to mitigate impacted areas of the site and to determine eligibility for nomination to the National Register. The site evaluation took place at the Japanese Gulch site (45SN398), a former housing area for the mill's Japanese workers during the early 20th Century. The site was divided into two halves by a property boundary line: the Sound Transit portion on the BNSF railroad

property and the Air Force portion located on the tank farm property (NWAA, 2009). The portion of the site located on the tank farm property (45SN398B) was determined eligible for listing on the National Register due to the valuable data that the site can contribute to the history of Japanese Americans (U.S. Air Force, 2011; DAHP, 2011a). The site is eligible under Criterion A for its association with the introduction of Japanese immigrant labor to the Puget Sound area, and under Criterion D for its ability to contribute to the understanding of human history, as it contains data useful to addressing questions about the history of early 20th Century Japanese immigrant labor in Western Washington (U.S. Air Force, 2011; DAHP, 2011a).

The Point Elliott Treaty Site (45SN108) was determined as National Register eligible under Criterion A, for its association with the treaty-era and patterns of settlement in the Pacific Northwest and with the history of Indian-white relations both regionally and nationally by FTA. The treaty site was also determined eligible under Criterion B, for its association with the first governor of Washington Territory, Isaac Ingalls Stevens, and with the prominent Native American leaders Seattle, Patkanim, Goliah, and Chowitshoot. Because of the potential for archaeological deposits associated with the treaty, the site was also determined to be eligible under Criterion D as well (FTA, 2011a, DAHP 2011b).

Artifacts and other items excavated from the property are being addressed in accordance with a disposition plan prepared in accordance with both 36 CFR 79 and 32 CFR 229 (U.S. Air Force, 2012c). The proposed transfer out of federal ownership and control to the Port of Everett will be subject to a permanent Preservation Covenant that ensures continuation of federal protections of cultural resources, including Native American tribes rights to enforce the covenant provisions (Appendix B).

Due to the cultural significance of the area in and around the Mukilteo Tank Farm as a shared gathering place for tribes, the official Tribal Governments of interested federally-recognized tribes that are a signatory to the Point Elliott Treaty of 1855, as ratified in 1859, were consulted prior to the proposed transfer of the property, in accordance with the NHPA. The following tribes were consulted: Lummi Nation*, Tulalip Tribes*, Swinomish Tribal Community*, Suquamish Tribe*, Nooksack Tribe, Samish Tribe, Sauk-Suiattle Tribe, Snoqualmie Tribe, Stillaguamish Tribe, and Upper Skagit Tribe, with the first four listed tribes (*) holding Usual and Accustomed Area treaty rights. The Preservation Covenant applicable to the transfer of the property includes enforcement rights of the provisions contained therein by affiliated federally-recognized tribes. Nothing in the Preservation Covenant in any way impacts Usual and Accustomed Area treaty rights.

3.11.2 Historic Structures and Resources

The buildings and structures on the Mukilteo Tank Farm Property have been determined to be ineligible for listing on the National Register (FTA, 2011b). DAHP concurred with this determination in a letter dated December 19, 2011 (DAHP, 2011c).

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4.0 ENVIRONMENTAL CONSEQUENCES

4.1 INTRODUCTION

This chapter presents the results of the analysis of potential environmental effects associated with the conveyance of the Mukilteo Tank Farm Property. The Proposed Action and alternatives, including the No-Action Alternative, are analyzed. Changes to the natural and human environments that may result from the Proposed Action and alternatives were evaluated relative to the existing environment as described in Chapter 3.0. The potential for significant environmental consequences was evaluated utilizing the context and intensity considerations as defined in CEQ regulations for implementing the procedural provisions of NEPA (40 CFR Section 1508.27).

4.2 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

4.2.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect on socioeconomics and environmental justice. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.1. No significant impacts to socioeconomics or environmental justice are anticipated from implementation of the Proposed Action.

4.2.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to socioeconomics (including potential impacts to low-income, minority, and child populations) from implementing the Excess Property Alternative would be similar to those discussed in Section 4.2.1 and 4.12.4.1, respectively. No significant impacts to socioeconomics or environmental justice are anticipated from implementation of the Excess Property Alternative.

4.2.3 No-Action Alternative

Under the No-Action Alternative, the existing on-site work force would not change. No temporary increase in employment associated with demolition and construction activities would occur. No significant change in the City of Mukilteo or the City of Everett workforce is anticipated. No on-site population would exist. No disproportionately high and adverse impacts to low-income, minority, or youth populations would be expected. No significant impacts to socioeconomics or environmental justice are anticipated from implementation of the No-Action Alternative.

4.3 LAND/SHORELINE USE AND AESTHETICS

Land use can be impacted by restrictions or authorizations on how property can be used or developed in the future, and the need for comprehensive plan or zoning changes as a result of an action.

4.3.1 Proposed Action

Land/Shoreline Use. The Proposed Action would result in long-term beneficial impacts to land use. The impacts would be beneficial because the proposed action complies with the Military Construction Authorization Act of 2001, and would not require any modifications to current comprehensive plans or zoning designations. The Proposed Action also provides benefits to land use by enabling future development of the site for uses that serve the public and provide economic stimuli to the local economy. The NMFS is anticipated to continue ongoing operation of the Mukilteo Biological Field Facility at its current location.

The Air Force prepared and submitted a coastal zone consistency statement for the Proposed Action to the WDOE. On February 12, 2009, WDOE certified the proposed action to be consistent with Washington's Coastal Zone Management program, and that it would have no effect upon coastal resources (Appendix C). Any subsequently proposed development of the Mukilteo Tank Farm Property must comply with the Washington State Coastal Zone Management Program for associated impacts.

Aesthetics. Conveying the Mukilteo Tank Farm Property would have no direct effects on the aesthetic quality of the property. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.2.

4.3.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to land use, shoreline use, and aesthetics from implementing the Excess Property Alternative would be similar to those discussed in Section 4.3.1 and 4.12.4.2, respectively. No significant impacts are anticipated.

4.3.3 No-Action Alternative

Under the No-Action Alternative, no demolition or redevelopment activities would occur. The facilities would be retained by the Air Force and would be maintained in caretaker status. This change would not conflict with adjacent land uses. No significant impacts to land/shoreline use are anticipated.

The Mukilteo Tank Farm Property would be maintained in caretaker status. The appearance of the buildings and pier may eventually deteriorate from reduced maintenance. The potential change in appearance of the property due to reduced maintenance would not change the existing visual character of the area; therefore, significant degradation of the existing aesthetic quality is not anticipated.

4.4 TRANSPORTATION

The potential effects of the Proposed Action and alternatives on traffic within the ROI are presented in this section.

4.4.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect to transportation. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in

Section 4.12.4.3. No significant impacts to transportation are anticipated from implementation of the Proposed Action.

4.4.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to transportation as a result of implementing the Excess Property Alternative would be similar to those discussed in Section 4.4.1 and 4.12.4.3, respectively. No significant impacts are anticipated.

4.4.3 No-Action Alternative

Daily vehicle trips associated with caretaker and NOAA personnel at the Mukilteo Tank Farm Property would be minimal (less than 20 daily trips per day) with no impact to the surrounding street network. No significant impacts to transportation are anticipated.

4.5 HAZARDOUS MATERIALS AND HAZARDOUS WASTE MANAGEMENT

4.5.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect to hazardous materials and hazardous waste management. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.4. No significant impacts to hazardous materials and hazardous waste management are anticipated from implementation of the Proposed Action.

4.5.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to hazardous materials and hazardous waste management as a result of implementing the Excess Property Alternative would be similar to those discussed in Section 4.5.1 and 4.12.4.4, respectively. No significant impacts are anticipated.

4.5.3 No-Action Alternative

4.5.3.1 Hazardous Materials and Hazardous Waste Management.

Under the No-Action Alternative, Air Force caretaker activities would likely require the use of some hazardous materials, such as fuel and petroleum, oil, and lubricants (POL) for landscaping equipment that are required to maintain the facilities and grounds. These materials would not be stored at the site but would rather be transported to the site when grounds maintenance activities are conducted. Management of hazardous materials would continue in accordance with applicable regulations. No significant impacts are anticipated.

Small quantities of hazardous waste may be generated by the Air Force during caretaker activities. Hazardous waste generated by the caretaker would be tracked to ensure proper identification, storage, transportation, and disposal, as well as implementation of waste minimization programs. No on-site storage would occur. Because hazardous waste would be managed in accordance with applicable regulations, no significant impacts are anticipated.

4.5.3.2 CERCLA Sites.

Because sites of potential contamination have been investigated, remediated as necessary, and closed, no significant impacts are anticipated.

4.5.3.3 Storage Tanks.

Under the No-Action Alternative, storage tanks would not be used to support caretaker activities; therefore, they would be closed in conformance with appropriate federal, state, and local regulations. No significant impacts are anticipated.

4.5.3.4 Asbestos-Containing Material.

Under the No-Action Alternative, the Air Force would continue to be responsible for the management of structures containing ACM within the Mukilteo Tank Farm Property. The Air Force would continue to manage ACM in accordance with current Air Force policy and applicable regulations. Management of ACM and ACM waste in accordance with applicable regulations would preclude any significant impacts.

4.5.3.5 Lead-Based Paint.

Under the No-Action Alternative, the Air Force would continue to be responsible for the management of LBP within the Mukilteo Tank Farm Property. The Air Force would continue to manage LBP in accordance with current Air Force policy and applicable regulations. Appropriate management of LBP and LBP waste in accordance with applicable regulations would preclude any significant impacts.

4.5.3.6 Ordnance.

Because sites of potential munitions contamination have been investigated and none were identified, no significant impacts are anticipated.

4.6 GEOLOGY AND SOILS

The potential effects of the Proposed Action and alternatives on water resources within the ROI are presented in this section.

4.6.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect to geology and soils. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.5. No significant impacts to geology and soils are anticipated from implementation of the Proposed Action.

4.6.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to geology and soils as a result of implementing the Excess Property Alternative would be similar to those discussed in Section 4.6.1 and 4.12.4.5, respectively. No significant impacts are anticipated.

4.6.3 No-Action Alternative

Under the No-Action Alternative, the status of the Mukilteo Tank Farm Property would not change. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative is not anticipated to result in significant impacts to geology and soils.

4.7 WATER RESOURCES

The potential effects of the Proposed Action and alternatives on water resources within the ROI are presented in this section.

4.7.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect to water resources. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.6. No significant impacts to water resources are anticipated from implementation of the Proposed Action.

4.7.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to geology and soils as a result of implementing the Excess Property Alternative would be similar to those discussed in Section 4.7.1 and 4.12.4.6, respectively. No significant impacts are anticipated.

4.7.3 No-Action Alternative

Under the No-Action Alternative, the status of the Mukilteo Tank Farm Property would not change. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative is not anticipated to result in significant impacts to water resources.

4.8 AIR QUALITY

The potential effects of the Proposed Action and alternatives on air quality within the ROI are presented in this section.

4.8.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect to air quality. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.7. No significant impacts to air quality are anticipated from implementation of the Proposed Action.

4.8.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to air quality from implementing the Excess Property Alternative would be

similar to those discussed in Section 4.8.1 and 4.12.4.7, respectively. No significant impacts are anticipated.

4.8.3 No-Action Alternative

Under the No-Action Alternative, no demolition or construction activities would occur on the Mukilteo tank Farm Property. Air quality conditions would be similar to existing conditions discussed in Section 3.8. Therefore, no significant impacts to air quality are anticipated.

4.9 NOISE

The following section describes the potential impacts of noise as a result of implementing the Proposed Action or alternatives.

4.9.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect on noise. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.8. No significant impacts from noise are anticipated from implementation of the Proposed Action.

4.9.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts from noise as a result of implementing the Excess Property Alternative would be similar to those discussed in Section 4.9.1 and 4.12.4.8, respectively. No significant impacts are anticipated.

4.9.3 No-Action Alternative

Under the No-Action Alternative, no demolition or construction activities would occur on the Mukilteo Tank Farm Property. Therefore, no impacts from noise are anticipated.

4.10 BIOLOGICAL RESOURCES

4.10.1 Proposed Action

Conveying the Mukilteo Tank Farm Property would have no direct effect on biological resources. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.8.

Vegetation. Conveying the Mukilteo Tank Farm Property would have no direct effect to vegetation. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.8. No significant impacts to vegetation as a result of property transfer actions are anticipated.

Wildlife. Conveying the Mukilteo Tank Farm Property would have no direct effect to wildlife. However, in executing the proposed transfer, the Air Force recognizes that indirect effects and cumulative impacts associated with its action may occur; these effects are described in Section 4.12.4.8. No significant impacts to wildlife as a result of property transfer actions are anticipated.

Threatened and Endangered Species. As a federal agency, the Air Force is responsible for identifying threatened and endangered species associated with the property. Due to the developed nature of the Mukilteo Tank Farm Property, suitable habitat for terrestrial threatened and endangered species does not exist. There is no suitable habitat for any of the threatened or endangered species identified as having the potential to occur on the Mukilteo Tank Farm Property. Therefore, no significant impacts to terrestrial threatened and endangered species as a result of the Proposed Action are anticipated.

It is possible that the threatened bull trout and endangered marbled murrelets utilize the nearshore waters parallel to the Mukilteo Tank Farm Property. Federally-listed marine mammals that may occur offshore of the Mukilteo Tank Farm within Puget Sound include the endangered southern resident killer whale, the endangered humpback whale, and the threatened Steller sea lion. The humpback whale and Steller sea lion have not been reported in or near the waters adjacent to the property. Federally-listed fish species occurring in Puget Sound include the threatened Chinook salmon and the species of concern listed coho salmon. Both Chinook and coho salmon have been documented in the nearshore waters of the Mukilteo Tank Farm Property. Conveyance of the property would not result in significant impacts to these species.

Sensitive Habitat. No wetlands have been identified on the property; however, eelgrass has been identified in the nearshore waters of the Mukilteo Tank Farm Property and at the neighboring Mount Baker Terminal. Eelgrass provides food production and physical structure for the biological community, is nursery habitat for many commercial fisheries species, and is normally considered EFH. Conveyance of the property would not result in significant impacts to sensitive habitats.

4.10.2 Excess Property Alternative

Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to biological resources (i.e., vegetation, wildlife, threatened and endangered species, and sensitive habitats) as a result of implementing the Excess Property Alternative would be similar to those discussed in Section 4.10.1 and 4.12.4.9, respectively. No significant impacts are anticipated.

4.10.3 No-Action Alternative

Vegetation. Under the No-Action Alternative, no demolition or construction activities would occur on the property. Caretaker activities would include continued maintenance of landscaped areas. No significant impacts to vegetation are anticipated.

Wildlife. Under the No-Action Alternative, no demolition or construction activities would occur on the property. Displacement of local wildlife to adjacent areas and direct mortality to burrowing species or individuals that are less mobile would not occur. No significant impacts are anticipated.

Threatened and Endangered Species. Under the No-Action Alternative, no demolition or construction activities would occur on the property. Because there is no suitable habitat for any of the threatened or endangered species identified as having the potential to occur on the property, no significant impacts to threatened and endangered species are anticipated.

Sensitive Habitat. Under the No-Action Alternative, no demolition or construction activities would occur on the property. Area with eelgrass would not be disturbed; therefore, no significant impacts are anticipated.

4.11 CULTURAL RESOURCES

Pursuant to the NHPA, as directed by the Section 106 review process, consultation has been accomplished with the DAHP, as the SHPO and with other consulting parties. The federally-recognized tribes that were signatory to the Treaty of Point Elliott of 1855 were identified as consulting parties under Section 106. Additionally, the Air Force is consulting with these tribes under EO 13175. The Nooksack Indian Tribe of Washington informed the project team that the tank farm area was outside their area of interest. Consultation continues with the other affiliated federally-recognized tribes.

4.11.1 Proposed Action

Archaeological Resources. The Mukilteo Tank Farm Property contains known archaeological resources eligible for listing on the National Register. The Air Force is responsible under Section 106 of the NHPA to determine in consultation with the DAHP whether the proposed transfer of Mukilteo Tank Farm Property to the Port of Everett, would adversely affect the archaeological resources on the property.

The proposed transfer out of federal ownership and control to the Port of Everett would be subject to a permanent Preservation Covenant, which would mitigate the environmental impacts to less than significant per 32 CFR 989.22(c). Further under NHPA, a finding of no adverse effect under Section 800.5 is appropriate for the Proposed Action since the Preservation Covenant provides adequate and legally enforceable conditions to ensure the long term preservation of the property's historic significance as exemplified in Section 800.5(a)(2)(vii). Consultation with the SHPO will be complete prior to completing this EA.

Historic Buildings and Structures. None of the buildings on the Mukilteo Tank Farm Property are eligible for listing on the National Register (DAHP, 2011c). Therefore, there is no potential for adverse effect to historic building or structures.

4.11.2 Excess Property Alternative

Archaeological Resources. Because the GSA would pursue developments with the highest and best use of the Mukilteo Tank Farm Property (similar to development as a multimodal transfer facility), potential direct and indirect impacts to prehistoric and historic archaeological resources from implementing the Excess Property Alternative would be similar to those discussed in Section 4.11.1 and 4.12.4.10, respectively.

Because the proposed transfer out of federal ownership and control would be subject to a permanent Preservation Covenant that ensures continuation of federal protections of cultural resources, no significant impacts are anticipated.

Historic Buildings and Structures. Since the buildings on the Mukilteo Tank Farm Property have been identified as ineligible for listing on the National Register, there is no potential for adverse effect to historic building or structures.

4.11.3 No-Action Alternative

Under the No-Action Alternative, transfer of the Mukilteo Tank Farm Property would not occur. The Air Force would continue to maintain the property to prevent deterioration. No significant impacts to cultural resources are anticipated.

4.12 INDIRECT AND CUMULATIVE EFFECTS ASSOCIATED WITH THE PROPOSED ACTION AND EXCESS PROPERTY ALTERNATIVE

Federal regulations implementing NEPA (42 U.S.C. § 4321 et seq. and 32 CFR 989, respectively) require that the cumulative impacts of a Proposed Action be assessed. CEQ regulations implementing the procedural provision of NEPA define cumulative impacts as:

The impact on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR 1507).

In order to analyze cumulative effects, a cumulative effects region must be identified within which effects of the Proposed Action and other past, proposed, and reasonably foreseeable actions would be cumulatively recorded or experienced. For this EA, the region where cumulative effects may occur includes Mukilteo and the immediate Possession Sound vicinity.

Three regional proposals have been considered as part of this cumulative impact analysis:

- Mukilteo Multimodal Ferry Terminal
- Sound Transit Mukilteo Station Expansion
- Port of Everett Rail/Barge Transfer Facility (Mount Baker Terminal)

Each of these projects is briefly discussed in the sections below and shown on Figure 4-1.

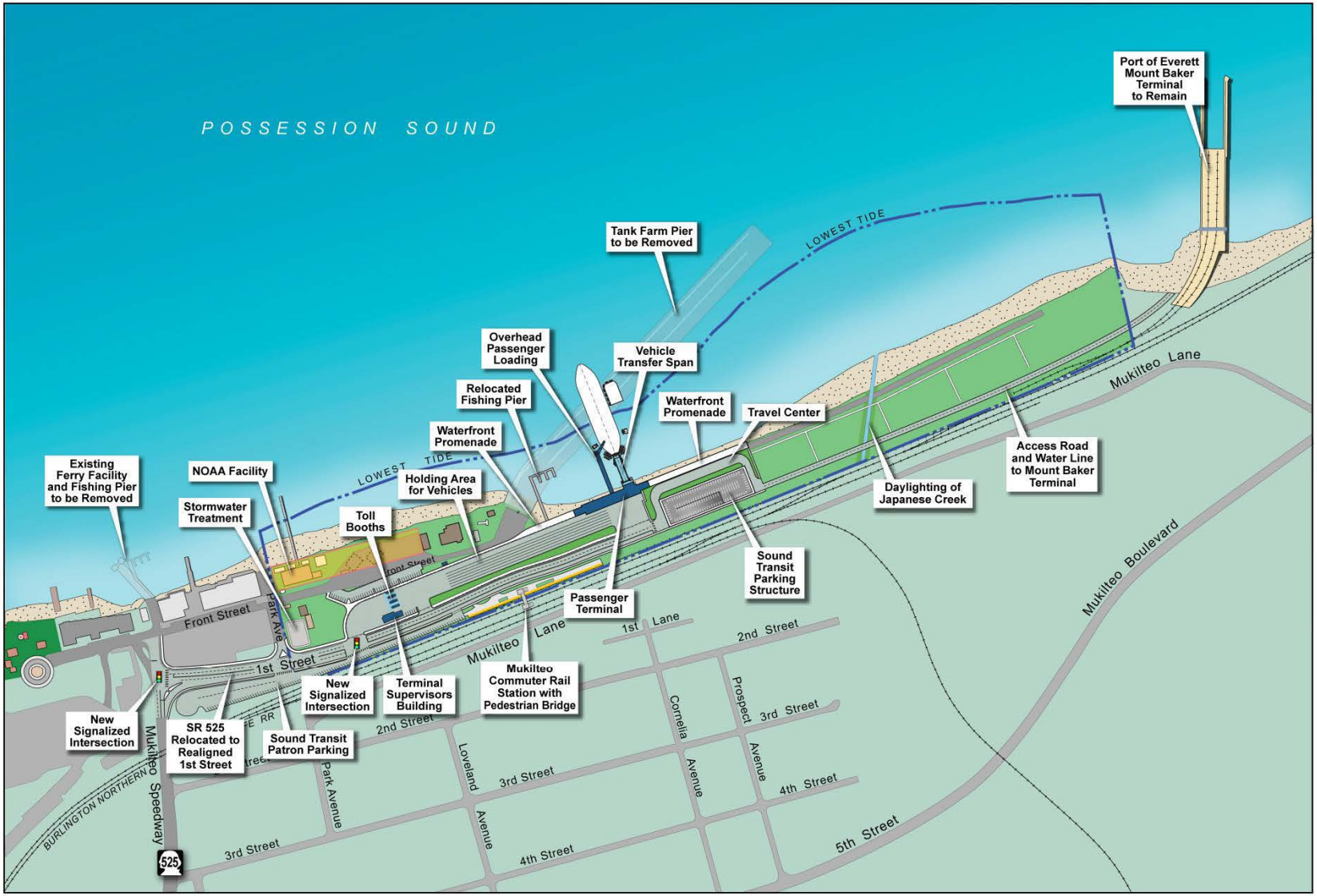
Environmental documentation has been prepared to address the potential environmental impacts of implementing the projects. The information provided in the documents listed below was used in the analysis of potential cumulative and indirect impacts of developing the Mukilteo Tank Farm Property as a multimodal ferry terminal after the property has been transferred out of Air Force control.

The Final Environmental Impact Statement for the Everett-to-Seattle Commuter Rail Project prepared by Sound Transit analyzed the potential environmental impacts of building and operating a 35-mile rail corridor (with several station locations) between the cities of Everett and Seattle (Sound Transit, 1999). This EIS provided baseline information for the affected environment at the Mukilteo Tank Farm Property.

The Final Environmental Impact Statement for Proposed Satellite Rail/Barge Transfer Facility prepared by the Port of Everett analyzed the potential environmental impacts from developing the property as a rail/barge transfer facility (Port of Everett, 2004). This EIS provided baseline information for the affected environment at the Mukilteo Tank Farm Property.

The Mukilteo Multimodal Project Draft Environmental Impact Statement prepared by the FTA/WSDOT to address the potential environmental impacts of developing the property as a multimodal ferry terminal was released for public review in January 2012 (WSDOT/FTA, 2012a). This EIS provided baseline information for the affected environment and provided initial analysis regarding the potential environmental consequences of developing the Mukilteo Tank Farm Property as a multimodal ferry terminal.

These documents provided supporting information for the environmental analysis contained within this EA.



Multimodal Ferry Terminal Development with Sound Transit Station and Mount Baker Terminal

Figure 4-1

4.12.1 Mukilteo Multimodal Ferry Terminal

The Air Force, as a cooperating agency, has worked with WSDOT/FTA in support of their analysis of potential impacts resulting from future redevelopment of the Mukilteo Tank Farm Property. The Air Force has used the WSDOT/FTA Draft EIS to describe the Preferred Alternative (Elliot Point 2 Alternative) for consideration of the potential indirect and cumulative effects of future redevelopment of the Property. The Elliot Point 2 redevelopment scenario is a comprehensive development plan focusing on relocating the terminal to the western portion of the Mukilteo Tank Farm as part of an integrated multimodal center with removal of the existing terminal (Figure 4-1).

A new passenger building and a maintenance building would be located immediately upland of the ferry dock. A new public fishing pier and day moorage would also be established within the new development; the preliminary location of this pier is shown on Figure 4-1. An overhead passenger loading ramp would connect to a second story of the new passenger building. The vehicle holding area would have a maximum holding capacity of 266 vehicles. The terminal supervisor's building would be west of the vehicle holding area, near four new toll booths. A new transit center with six new bus bays and a transit passenger area would be on the eastern part of the site. Also on the eastern portion of the site would be a parking structure (Sound Transit) for employees and the public.

The Tank Farm Pier would be removed and a channel 500 feet to a depth of approximately 30 feet would be dredged through part of the berm currently beneath the existing pier to provide a navigation channel. The existing ferry facility, including buildings, marine structures, and fishing pier would be removed. The existing vehicle holding area would be vacated.

First Street would be realigned and extended as a four-lane roadway from SR 525 to a signalized entrance to the new ferry terminal. First Street would continue as a two-lane road to the new bus transit center and parking structure (Sound Transit). The First Street improvements would include a new signalized intersection with SR 525 and a reconstructed intersection with Park Avenue. First Street would feature sidewalks and bicycle lanes. At the driveway for the ferry terminal, a walkway would be built along the edge of the terminal from First Street to a shoreline promenade. Other sidewalks would link the Mukilteo Rail Station and the transit center. Pedestrian and bicycle improvements on SR 525 and a pedestrian walkway may also be developed to improve non-vehicle traffic to the terminal.

Because the new ferry terminal would be developed on a different site away from the existing terminal, there would likely be no need to close the existing terminal prior to opening the new terminal. The existing terminal would be removed after the new multimodal facility is in operation.

The City of Mukilteo and Sound Transit are in the design phase and has received initial funding for the development of a vehicle parking structure (Sound Transit) to be located on the Tank Farm Property that would support the future Mukilteo Multimodal Ferry Terminal and other parking needs. The parking structure (Sound Transit) would be situated near the ferry terminal where the initial site design shows commuter rail parking and passenger drop-off area. The proposed parking structure (Sound Transit) would provide additional vehicle parking space for terminal employees as well as visitors to the area, and ferry and rail passengers, ensuring adequate parking is available to support Mukilteo Multimodal Ferry Terminal operations.

Discussion are underway to possibly "daylight" (culvert removed and the creek left to flow in an open channel) Japanese Creek. This activity would be conducted by an agency that is yet to be identified. The creek is situated just east of the proposed Mukilteo Ferry Terminal development and would require at least 50 feet on each side of the creek as a vegetation buffer.

Several additional compliments have been proposed to the Mukilteo Multimodal Ferry Terminal development including relocating the existing boat launch, situated in Lighthouse Park, to the Tank Farm Property; and development of a pedestrian bridge from the bluff south of the Tank Farm Property to connect to the Sound Transit commuter rail station and the ferry terminal. These three proposed developments are still in the discussion/funding/design phase and the specific location that these developments could be sited within the Mukilteo Tank Farm Property have not yet been established. Because adequate information on the location and scope of these developments is not available to conduct detailed environmental analysis, these projects are not addressed further in this EA. Separate SEPA documentation would be prepared by the respective agency at a later date to address the potential environmental impacts of implementing these developments.

4.12.2 Sound Transit Mukilteo Station Expansion

Sound Transit has constructed the Sounder commuter rail system along a 35-mile corridor between Everett and Seattle, Washington. This project is largely located within the existing BNSF railroad right-of-way (Sound Transit, 1999). One of the stations associated with this commuter rail system, the Mukilteo Station, has been partially constructed. The first phase of the Mukilteo Station is completed and included construction of a passenger loading platform, ticketing, and seating on the north side of the tracks and associated vehicle parking. The Mukilteo Station and parking area opened for Sounder commuter rail operations in June 2008, is located parallel to the north side of the BNSF railroad tracks, and is largely located on the Air Force Tank Farm Property. The second phase of the project (which is in the planning/contract award phase) would include a second platform on the south side of the tracks, a pedestrian bridge over the tracks connecting the two platforms, additional vehicle parking (both off-street parking and a new vehicle parking structure), as well as passenger shelters. Regular commuter rail service at the Mukilteo Station began on June 2, 2008. The Mukilteo Station is served by four daily round-trip Sounder trains that travel from Everett to Seattle.

Construction of the south passenger platform and pedestrian bridge is scheduled to begin in the summer of 2013. Interim use of several Mukilteo Tank Farm concrete tank bottoms would occur to allow vehicle parking for passengers and construction laydown during construction. Construction of the south platform and pedestrian bridge would occur within existing developed/disturbed areas and is anticipated to occur over a 16 to 18 month period due to coordination of rail traffic and required safety precautions for construction activities near active railroad lines.

4.12.3 Port of Everett Rail/Barge Transfer Facility (Mount Baker Terminal)

The Mount Baker Terminal, also known as the Rail/Barge Transfer Facility was constructed by the Port of Everett adjacent to the east side of the Mukilteo Tank Farm Property. A Final EIS for the project was issued on October 22, 2004. Construction began in August 2005. Operations began at the Rail/Barge Transfer Facility on May 2, 2008. The Rail/Barge Transfer Facility was designed to allow transportation of oversized aerospace parts, by barge, from the Port's shipping terminal on Port Gardner Bay to the Mount Baker Terminal where the parts are off-loaded by an electric rail-mounted gantry crane and then transported by rail car to Paine Field Airport near Everett. The facility improves rail congestion by reducing BNSF railroad mainline closures from two hours to less than 30 minutes when transporting oversized aerospace parts to Paine Field (Port of Everett, 2008). As part of the facility development, the Port of Everett incorporated public access on the rail/barge facility site including a 35 space public access parking lot. However, the Mount Baker Terminal is completely land locked by the Air Force tank farm. The Port of Everett proposes to extend an access road approximately 1,500 feet from the Mukilteo Multimodal Ferry Terminal development to the Mount Baker Terminal. Associated with this access road would be a water line to replace the existing line that has been damaged in previous

ferries exploration and is not operational. The Port of Everett Mount Baker Terminal or Rail/Barge Transfer Facility EIS is available at: http://www.portofeverett.com.

4.12.4 Cumulative and Indirect Effects of Property Transfer

4.12.4.1 Socioeconomics and Environmental Justice.

Potential socioeconomic effects are addressed only to the extent that they are interrelated with the biophysical environment. Thus, the discussion includes key employment and population effects of the Proposed Action and alternatives.

The Community of Comparison for the environmental justice analysis is defined as the City of Mukilteo, Snohomish County, focusing on those areas surrounding the Mukilteo Tank Farm Property potentially affected by redevelopment activities.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to socioeconomics and environmental justice are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Population and Employment. There is no residential component to the Mukilteo Multimodal project; therefore, no on-site population would exist. The employees at the Mukilteo Multimodal Ferry Terminal would mostly be workers from the existing ferry terminal situated west of the property that have simply been relocated to the new ferry terminal. The project would generate approximately 380 short-term construction jobs. Indirectly, these jobs would generate about 250 additional jobs in the region. Construction workers are expected to come from the local area. Because redevelopment of the property would result mostly in a relocation of jobs from the existing ferry terminal, no significant impact to the City of Mukilteo or the City of Everett workforce is anticipated.

Environmental Justice. Potential impacts would generally be localized to the Mukilteo Tank Farm Property, with the exception of air quality. Potential impact to air quality would occur throughout the area; therefore, disproportionate high and adverse air quality impacts to minority, low-income, and youth populations would not be expected.

Sound Transit Mukilteo Station Expansion

Population and Employment. There is no residential component to the Sound Transit Mukilteo Station Expansion project; therefore, no on-site population would exist. The project would generate a short-term increase in construction jobs. Construction workers are expected to come from the local area. No significant impact to the City of Mukilteo or the City of Everett workforce is anticipated.

Environmental Justice. Potential impacts would generally be localized to the Mukilteo Tank Farm Property, specifically the area where the new passenger platform is proposed. Potential impact to air quality would occur throughout the area; therefore, disproportionate high and adverse air quality impacts to minority, low-income, and youth populations would not be expected.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

Population and Employment. There is no residential component to the Port of Everett Rail/Barge Transfer Facility; therefore, no on-site population would exist. The project would generate a short-term increase in construction jobs. Construction workers are expected to come from the local area. No significant impact to the City of Mukilteo or the City of Everett workforce is anticipated.

Environmental Justice. Potential impacts would generally be localized to the Mukilteo Tank Farm Property and Mount Baker Terminal area, with the exception of air quality. Potential impact to air quality would occur throughout the area; therefore, disproportionate high and adverse air quality impacts to minority, low-income, and youth populations would not be expected.

4.12.4.2 Land/Shoreline Use and Aesthetics.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to land/shoreline use and aesthetics are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Land/Shoreline Use. The ferry terminal development would be consistent with the City of Mukilteo Comprehensive Plan. The vehicle holding area, transit facilities, and parking area would have minimal setback from the water and would not generally meet Shoreline Master Plan criterion for locating non-water-dependent uses as far from the shoreline as possible. However, water quality treatment is an essential component of the multimodal ferry terminal design. The ferry terminal development conforms with Shoreline Master Plan criteria for continuous public access along the shoreline extending to the Mount Baker Terminal. The shoreline promenade would be on both sides of the slip and pedestrians would be able to go up and around the back of the passenger building to get from one side of the slip to the other. Public access over the vehicle loading area would also be provided using stairs and elevators.

The promenade would contribute to the 20 percent of open space and public access required by City of Mukilteo policies for development on the Mukilteo Tank Farm. While design of the ferry terminal development would not alone satisfy the 20 percent requirement, it would not preclude the development of open space on other parts of the tank farm (e.g., the eastern portion of the property). The loss of some on-street parking spaces along Park Avenue and First Street and at the Mukilteo Station as the result of the widening and realignment of First Street would be offset by additional off-street surface parking located west of the Sound Transit Mukilteo Station as well as the construction of a new employee and public parking structure (Sound Transit). No significant impacts to land/shoreline use are anticipated.

Aesthetics. The proposed redevelopment would result in a noticeable change in the appearance of the property as a result of demolishing existing structures and constructing a new ferry terminal. Redevelopment would include construction of a new toll booth facility, new ferry passenger terminal and maintenance facility, new ferry pier; creation of vehicle parking and holding areas; a pedestrian promenade; and roadway improvements. The ferry terminal redevelopment would be consistent with the existing urban visual character of the area. Provisions of the Mukilteo Comprehensive Plan would be adhered to during redevelopment of the property. The use of landscaping would enhance the aesthetic quality of the property. Modern building designs would be developed with the intent of creating an attractive appearance. The long-term effect of removing older unmaintained buildings/structures and constructing new modern structures would result in a positive aesthetic effect on the area.

Sound Transit Mukilteo Station Expansion

Land/Shoreline Use. The proposed passenger platform and pedestrian bridge would be consistent with the City of Mukilteo Comprehensive Plan. Because the proposed passenger platform and pedestrian bridge would be situated on and adjacent to an existing Sound Transit passenger platform, no change in land use would result. Therefore, no significant impacts to land/shoreline use are anticipated.

Aesthetics. The proposed passenger platform and pedestrian bridge would result in a noticeable change in the appearance of the property. The platform and pedestrian bridge would be consistent with the existing urban visual character of the area. Provisions of the Mukilteo Comprehensive Plan would be adhered to during construction. The use of landscaping would enhance the aesthetic quality of the property. Modern design of the passenger platform and pedestrian bridge has been developed with the intent of creating an attractive appearance. The long-term effect of constructing new modern structures on the property would result in a positive aesthetic effect on the area.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

Land/Shoreline Use. The Mount Baker Terminal already exists and extension of the access road (along the route of existing paved surface within undeveloped portion of the Tank Farm Property) would not change land use patterns on the property. Therefore, no significant impacts to land/shoreline use are anticipated.

Aesthetics. Because the Mount Baker Terminal already exists and extension of an access road and water line to the terminal are surface and subsurface additions, no change to the aesthetic quality of the property is anticipated.

4.12.4.3 Transportation.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to transportation are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

The new ferry terminal development would relocate the ferry terminal to the western portion of the Mukilteo Tank Farm. First Street would be realigned and extended east as a four-lane roadway, with a signalized entrance to the new ferry terminal. The existing terminal would remain fully functional until the new multimodal facility is ready, then it would be removed. The shift to the new terminal could occur overnight or with a short closure at night or on a weekend.

Daily ferry service would continue, and sailing time between Mukilteo and Clinton would remain approximately 15 minutes each way. Travel forecasts for ferry service (through 2040) indicate that capacity would exceed the Level 1 Standard, but not the Level 2 Standard. The impacts of this are longer travel time for passengers with vehicles, longer peak periods, and longer queues on adjoining roadways. Because performance in 2040 is not anticipated to exceed the Level 2 Standard, the route does not warrant additional capacity investments above the already planned replacement of the current 124-vehicle ferries with new 144-vehicle ferries.

The vehicle holding area would accommodate a maximum of 266 vehicles. The vehicle holding area and additional queuing area along the realigned First Street would shorten the length of the SR 525 shoulder queue; however, because vehicles typically do not clear the tollbooths fast enough to fill the holding area before loading of the next ferry begins, vehicle queuing along

SR 525 would continue during peak periods. The new ferry terminal would include overhead passenger loading, which allows pedestrian and vehicle loading to occur simultaneously by separating vehicles and pedestrians. This would help reduce unloading and loading times, which improves ferry schedule reliability.

Vehicle Traffic. With the proposed ferry terminal development, people driving to the Mukilteo ferry terminal would turn at a new SR 525/First Street intersection and travel east to the tollbooth entrance/First Street intersection. Vehicles would queue along the curb lane of SR 525, as they do today and along First Street. The LOS at the SR 525/Front Street intersection would decrease almost 38.0 seconds because the ferry terminal would be relocated and the loading and unloading operations no longer impact this intersection directly. The modified intersections resulting from the First Street extension would operate at an acceptable LOS D or better based on the standard set by the City of Mukilteo.

Roadway improvements occurring prior to 2040 include a northbound right-turn lane at the stop-controlled SR 525/Front Street intersection. Vehicle delay at intersections is anticipated to increase from 2010 to 2040 primarily as a result of increases in background traffic volumes rather than increased ferry vehicle traffic. To reduce the delay at the SR 525/88th Street and SR 525/Fifth Street intersections, in 2011 left turn lanes were incorporated that improved operations for eastbound and westbound right-turning vehicles to LOS C. To improve the LOS at the SR 525/Fifth Street intersection, the Fifth Street westbound right-turn only lane could be converted into a shared left-turn/right-turn lane and extend the merge area on SR 525 south of this intersection to provide additional merge space for traffic turning onto southbound SR 525 from Fifth Street. This action would improve the intersection operations to LOS D (WSDOT/FTA, 2012a). Therefore, no significant impacts are anticipated.

Non-vehicle Traffic. The average walk time from Mukilteo Station to the passenger building would be approximately 5 minutes, which would be approximately 4 minutes shorter compared to current conditions. Bicyclists would continue to use the vehicle tollbooths to pay their ferry fare. A westbound bicycle lane on First Street between the east transit center driveway and SR 525 would be developed.

A new transit center on the waterfront east of the new terminal would have six bus bays and passenger amenities. The facility would meet Everett Transit and Community Transit bus zone space requirements. The current bus stops at the SR 525/Front Street intersection would be relocated to the new transit center. No significant impacts are anticipated.

Vehicle Parking. The projected increase in ferry-related park-and-ride demand from 2010 to 2040 was 43 percent or an additional 62 vehicles. Based on a survey of how many spaces are typically occupied, adequate capacity would exist to accommodate this increase in demand. Additionally, the proposed employee and passenger parking structure (Sound Transit) would provide additional vehicle parking to accommodate future requirements. No significant impacts are anticipated.

Rail Operations. Rail operations would not be impacted by proposed ferry terminal operations. The rail spur crossing Mukilteo Lane would experience an increased number of pedestrian crossings; however, it is used irregularly, and the increase in foot traffic due to the opened shoreline access area is not anticipated to impact rail operations. No significant impacts are anticipated.

Truck Freight. Truck freight traffic would be directed to a designated holding area freight lane. This lane allows trucks to load independently of other ferry vehicle traffic. During peak periods, truck freight could be required to mix with other ferry traffic in the holding area because there would be fewer lanes to manage traffic. No significant impacts are anticipated.

Sound Transit Mukilteo Station Expansion

Sound Transit's Mukilteo Station is being developed in phases with the second phase of the project scheduled to be implemented in 2013 to add a platform on the south side of the tracks, and provide a pedestrian bridge to connect the two platforms. Sound Transit is coordinating its planning and design process for the second phase with the Mukilteo Multimodal Project, because construction associated with the ferry terminal development could alter the current station's access or layout, as well as potential sites for added commuter parking. During construction, use of several tank bottoms (foundations) would be used for interim vehicle parking for passengers using the station and possibly as a construction laydown area. Construction of the south platform and pedestrian bridge would be coordinated with ongoing rail traffic to insure no interruption of rail service occurs.

The proposed construction of a parking structure (Sound Transit) would improve accessibility for park-and-ride transfers to rail service. The LOS at the SR 525/Fifth Street intersection is anticipated to have slightly more delay but would operate below the City's LOS D standard with or without the parking structure. Therefore, no significant impacts to transportation are anticipated.

Port of Everett Rail/Barge Transfer Facility (Mount Baker Terminal)

The Port of Everett would extend an access road to the Mount Baker Terminal once the U.S. Air Force property transfer is complete. Minimal traffic would occur on the access road. The Mount Baker Crossing is an improved at-grade crossing of the BNSF tracks connecting Mukilteo Lane in the city of Mukilteo to the Mukilteo Tank Farm Property. This crossing would continue to be gated to vehicles to restrict access, but would be open to pedestrians to travel to the shoreline access area near the Mount Baker Terminal. Therefore, no significant impacts to transportation are anticipated.

4.12.4.4 Hazardous Materials and Hazardous Waste Management.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to hazardous materials and hazardous waste management are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Much of the construction for the proposed ferry terminal is designed to avoid excavation within the tank farm site, particularly in the western portion where archaeological resources may be present. The ferry terminal development proposes placing fill and pavement over large portions of the site, which would reduce the potential for construction activities to encounter or cause the spread of hazardous materials. However, contaminants of concern encountered at the site during the 2006/2007 archaeological investigations and the 2012 sediment sampling investigations indicate that some hazardous materials may still be present in some areas of the site and may be encountered during excavations (for utilities, storm water systems, structural foundations), or for grading, or later if another agency proceeds with daylighting Japanese Creek.

Hazardous Materials and Hazardous Waste Management. During demolition and construction activities, small amounts of hazardous materials are expected to be utilized, and the potential for spills would exist. Any spills or releases of hazardous materials would be cleaned up by the contractor. Hazardous materials likely to be utilized during demolition and construction activities include adhesives; motor fuels; paints; thinners; solvents; POL, and household products.

Small quantities of hazardous waste may be generated during demolition and construction activities. The contractor would be responsible for following applicable regulations for management of any hazardous waste generated. Any spills or releases of fuel or oil from equipment would be cleaned up by the contractor. The contractor would be responsible for the off-site disposal of any hazardous waste (including demolition debris) generated on the property in accordance with applicable regulations.

Operation of the multimodal ferry terminal would primarily involve the use of fuels, POL, batteries, herbicides/pesticides, and commercial cleaning products. The new property owners would be responsible for storing, handling, and transporting any hazardous materials in accordance with applicable regulations and would comply with EPCRA that requires local communities be informed of the use of hazardous materials. Because hazardous materials would be managed in accordance with applicable regulations, no significant impacts are anticipated. Most of the hazardous materials utilized would be consumed during use or recycled; as a result, only small amounts of wastes would likely be generated. Hazardous waste would be handled and disposed in accordance with applicable Federal, state, and local regulations. Because hazardous waste would be managed in accordance with applicable regulations, no significant impacts are anticipated.

Regarding the pier to be transferred with the Mukilteo Tank Farm Property, as provided by the special legislation, in 1982, the pier was surveyed for the Seattle District Corps of Engineers and concluded that "many piles have little or no [creosote] coating left." This conclusion was reached following a physical investigation conducted by a certified pile inspection diving firm. Their investigation classified damage, measured pier diameters, performed visual inspection and probing, and took core drill samples of the pilings. The extent of rot and lack of creosote suggests that the pilings may not have been fully treated prior to pier construction. The report also indicated that piers built during World War II often were constructed during times of material shortages (kpff Consulting Engineers, 1982). The conditions of the piles below the mudline could not be assessed during the 1982 survey. There may be creosote present on the portion of the piles below the mudline. The potential presence of creosote on the buried portions of the piles may impact the surrounding sediment with creosote and/or its breakdown products during removal actions. Since the 1982 kpff pier report was completed, the Air Force has not replaced or re-coated any pilings on the pier.

A Creosote-Treated Timber Removal and Disposal Plan would be prepared, addressing how piles and adhered sediments would be removed, managed, and disposed of in accordance with state laws and regulations. WSDOT would coordinate with U.S. EPA, WDOE, Washington DNR, and others to develop and employ best management practices (BMPs) for creosote timber removal.

CERCLA Sites (contaminated soil and sediments). As a result of past operations at the Mukilteo Tank Farm Property, various locations on the property had impacted subsurface soil and groundwater, as well as near shore sediments. Efforts to remediate contamination on the property have received regulator concurrence with no further action required determinations and is not anticipated to affect future use of the property.

A site-specific Soil Excavation, Sampling, and Disposal Plan would be prepared to identify site-specific measures to minimize exposure to contaminants through both airborne and direct contact routes. The plan would outline sampling requirements for excavated soil that is to be disposed of off-site to ensure disposal in accordance with applicable regulatory or permit specifications. Removal, management, and disposal of residual petroleum products and petroleum-contaminated soil encountered would be performed in accordance with applicable regulations. Any remaining monitoring wells would be abandoned by a licensed well driller in accordance with state regulations.

Any contaminated sediment encountered would be managed and disposed in accordance with applicable permits and regulations, including permits or plans required by WDOE and Washington DNR. If contaminants are present, a Sediment Evacuation, Sampling, and Disposal Plan and a Dredged Material Management Plan would be prepared per the Clean Water Act Section 404 permit, and would be reviewed by the Corps of Engineers, WDOE, U.S. EPA, and Washington DNR to ensure sediments (both contaminated and uncontaminated) are handled and disposed properly.

Dewatered groundwater is not anticipated to be classified as dangerous waste. However, a Groundwater Management Plan would be prepared to address groundwater that would be dewatered from areas with potentially contaminated soils during construction activities. The plan would outline how groundwater would be screened and segregated, collected, stored, sampled and analyzed, managed, reported, and treated or transported and disposed of in accordance with state and local laws and regulations. No significant impacts are anticipated.

Storage Tanks. Storage tanks associated with the Mukilteo Tank Farm Property largely have already been closed in conformance with appropriate federal, state, and local regulations. Should contaminants be encountered during excavation of remaining USTs on the property, the Air Force would remediate, manage, and dispose contaminated soils in accordance with applicable regulations. Any new storage tanks (if any) required by the new owner/operator would be subject to applicable federal, state, and local regulations. These regulations include provisions for acceptable leak detection methodologies, spill and overfill protection, secondary containment, and liability insurance. Management of storage tanks in accordance with applicable regulations would minimize the potential for impacts; therefore, no significant impacts from storage tanks are anticipated.

Asbestos-Containing Material. The Air Force would inform the new owner of the potential presence of ACM in facilities being transferred. Under the Proposed Action, demolition of facilities that contain or are assumed to contain ACM, may occur. ACM may also be encountered during the demolition of facilities, which contain ACM. In addition to ACM being encountered in the structures, ACM could be encountered within some utility systems during any work performed on piping within these systems.

Demolition activities would be subject to applicable federal, state, and local regulations to minimize the potential risk to human health and the environment. ACM waste generated as a result of demolition activities would be disposed in accordance with applicable regulations at an off-site landfill permitted to accept this type of material. The development contractor would be responsible for ensuring the proper management of asbestos and maintaining continued regulatory compliance. Management of ACM and ACM waste in accordance with applicable regulations would preclude any significant impacts.

Lead-Based Paint. The Air Force would inform the new owner of the potential presence of LBP in facilities being transferred. The new owner would be responsible for managing and removal/disposal of LBP in accordance with applicable regulations precluding any significant impacts. Under the Proposed Action, LBP would likely be encountered during demolition activities. Demolition activities would be conducted in accordance with applicable federal, state, and local regulations to minimize potential risks to human health and the environment.

Although LBP is not considered a hazardous waste, materials containing LBP would have to be disposed at a facility that accepts solid waste containing LBP. Waste is defined as hazardous under 40 CFR Part 261 if it contains levels of lead exceeding a maximum concentration of 5.0 milligrams per liter (mg/l), as determined using the U.S. EPA Toxic Characteristic Leaching Procedure (TCLP). The contractor would be required to perform a TCLP scan on demolition debris prior to disposal to ensure it is not hazardous. If a waste is classified as hazardous,

disposal must take place in accordance with U.S. EPA and state hazardous waste rules. Management of LBP and LBP waste in accordance with applicable regulations would preclude any significant impacts.

Polychlorinated Biphenyls. No transformers or other equipment containing PCBs are present on the property. PCBs may still be present in older light ballasts; however, these ballasts are well below any reporting limit and are not regulated as PCB equipment or PCB-contaminated equipment. Removal and disposal of light ballasts containing PCBs would be conducted by licensed abatement and removal contractors following applicable regulations. Sediment sampling conducted in 2012 detected PCB concentrations (total aroclors) below Sediment Quality Standards (Parametrix, 2012). Significant impacts from PCBs are not expected.

Ordnance. The United States Navy performed surveys to confirm the presence/absence of munitions for areas potentially containing these materials. No munitions were discovered in the vicinity of the existing pier. Subsequent testing by WSF in 2012 also confirmed no presence of ordinance or contaminants associated with ordnance. Therefore, no significant impacts from past munitions operations on the property are anticipated.

Sound Transit Mukilteo Station Expansion

During construction activities, small amounts of hazardous materials are expected to be utilized, and the potential for spills would exist. Any spills or releases of hazardous materials would be cleaned up by the contractor. Hazardous materials likely to be utilized during construction activities include adhesives; motor fuels; paints; thinners; solvents; POL, and household products. Small quantities of hazardous waste may be generated during construction activities. The contractor would be responsible for following applicable regulations for management of any hazardous waste generated. Any spills or releases of fuel or oil from equipment would be cleaned up by the contractor. The contractor would be responsible for the off-site disposal of any hazardous waste generated on the property in accordance with applicable regulations.

Operation of the Sound Transit Mukilteo Station would primarily involve the use of POL, hydraulic fluid, batteries, herbicides/pesticides, and commercial cleaning products.

Most of the hazardous materials utilized would be consumed during use or recycled; as a result, only small amounts of wastes would likely be generated. Hazardous waste would be handled and disposed in accordance with applicable Federal, state, and local regulations.

Because hazardous materials and hazardous waste would be managed in accordance with applicable regulations, no significant impacts are anticipated.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

During construction of the access road and water line, small amounts of hazardous materials are expected to be utilized, and the potential for spills would exist. Any spills or releases of hazardous materials would be cleaned up by the contractor. Hazardous materials likely to be utilized during construction activities include adhesives; motor fuels; paints; thinners; solvents; POL, and household products. Small quantities of hazardous waste may be generated during construction activities. The contractor would be responsible for following applicable regulations for management of any hazardous waste generated. Any spills or releases of fuel or oil from equipment would be cleaned up by the contractor. The contractor would be responsible for the off-site disposal of any hazardous waste generated on the property in accordance with applicable regulations.

Operations at the Mount Baker Terminal primarily involve the use of fuels, POL, hydraulic fluid, batteries, and commercial cleaning products. Most of the hazardous materials utilized are consumed during use or recycled; as a result, only small amounts of wastes are generated. Hazardous waste is handled and disposed in accordance with applicable Federal, state, and local regulations.

Because hazardous materials and hazardous waste would be managed in accordance with applicable regulations, no significant impacts are anticipated.

4.12.4.5 Geology and Soils.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to geology and soils are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Geology. The proposed ferry terminal development is unlikely to affect the local geology of the Mukilteo Tank Farm Property and no structural movements or changes in seismicity would result.

The development would require a pier and trestle leading to the transfer span and towers, and a new passenger building, new toll booths, a terminal supervisor's building, and a maintenance building. The Tank Farm Pier would be removed up to its existing bulkhead. Dredging of sediment would occur. The offshore and onshore elements of the existing ferry terminal would then be removed. Japanese Creek may be restored to an open stream by an agency yet to be identified.

The ferry terminal development would be subject to moderate to high seismic risks. Stable soils have been identified at shallower depths than at the existing site. The ferry terminal development would be developed on a currently vacant site, which allows flexibility for the project to apply soil strengthening and stabilization measures and foundation supports for structures. Environmental or archaeological considerations may restrict the use of grouting and other techniques; however, areas where structures would be constructed are outside of archaeological sensitive areas. Design and construction measures would address locations that contain unsuitable fill material, or weak, compressible, and organic soil, helping to minimize the risks from seismic effects.

The ferry terminal development would likely withstand tsunami-related damage due to the slight reduction of wave energy resulting from higher elevations farther offshore. Advances in engineering design developed from observations and analysis of damage resulting from recent tsunamis may be applied to the design of the ferry terminal, which could reduce potential impacts.

A high landslide susceptibility zone has been established by the City of Mukilteo under the Critical Hazard Ordinance; however, this zone is outside the project area. Potential impacts resulting from slope failure are expected to be low because slope failures are likely to be small and shallow landslides. Landslides could reach the area of the project site; however, the majority of damage would be isolated to parking areas and roadways.

A large submarine landslide has been identified in the vicinity of the existing ferry terminal. In the event a submarine landslide occurs, the potential impacts to the new ferry terminal could include undermining foundation structures or removing lateral capacity of the sediments leading to damage or collapse of offshore structures. Prior to construction, further investigation of

geotechnical conditions would be conducted and appropriate design measures to stabilize soils would be provided.

The alteration in location of offshore terminal structures, the addition of propeller wash forces, and daylighting of Japanese Creek (agency unknown) could disrupt sediment transport patterns; however, these activities are expected to be minor in terms of geologic conditions and would generally remove sediments or fill that were placed in the area by past activities. The current surface profile of nearshore sediments would also be impacted by dredging of sediments beneath the Tank Farm Pier to allow for a deeper ferry berth. An assessment of propeller wash and potential effects to the immediate and adjacent shoreline would be conducted as part of the ferry terminal development. The possible implications of changing sediment transport patterns are mostly from sediment depletion in the vicinity of offshore structures; however, the design incorporates foundations and other stabilization treatments that would reduce the potential geologic effects of sediment depletion or transport.

No Significant Impacts to geology are anticipated.

Soils. Potential impacts to soil within the Mukilteo Tank Farm Property from the ferry terminal development would be minimal and would result primarily from ground disturbance associated with the demolition of existing structures and the construction of new buildings or infrastructure. These activities could alter soil profiles and local topography, as grading is required for both the demolition and construction activities.

The construction contractor would be required to obtain a Construction Site Storm Water National Pollutant Discharge Elimination System (NPDES) permit before initiating any construction activity. The contractor would also be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) for the construction activity. The Construction Site Storm Water NPDES permit, together with the required SWPPP, would outline construction site management practices designed to protect the quality of the surface water, groundwater, and natural environment through which they flow. The SWPPP would identify specific areas of existing and potential soil erosion, location of structural measures for sediment control, and management practices and controls. Use of these management practices and controls would reduce the potential for erosion of disturbed soils.

Additional construction-related management plans would be developed and implemented as needed to minimize impacts from construction activities including a Turbidity Control Plan, a Temporary Erosion and Sediment Control Plan, a Dewatering Plan, and a Dredged Materials Disposal Plan.

Construction activities would adhere to applicable local regulations regarding grading and excavation. These regulations address preserving, enhancing, or replacing understory and groundcover; minimizing degradation of water quality and sedimentation of creeks; minimizing impacts of increased runoff erosion and sedimentation; and protection of groundwater resources.

Short-term erosion impacts could occur during ground-disturbing activities, such as demolition of existing facilities, removal of vegetative cover, or grading. Potential impacts would be minimized through proper management practices defined within the approved SWPPP. Standard construction practices that could be implemented to minimize soil erosion include:

- Use of protective cover, such as mulch, straw, plastic netting, or a combination of these protective coverings

- Implementation of site grading procedures to limit the time soils are exposed prior to being covered by impermeable surfaces or vegetation

- Implementation of storm water diversions to reduce water flow through exposed sites
- Maintenance of a buffer strip of vegetation around a pond or drainage, where possible, to filter sediments
- Retention of as many trees and shrubs as possible adjacent to exposed ground areas for use as natural windbreaks.

Once disturbed areas have been covered with pavement, buildings, or vegetation, their susceptibility to erosion would be significantly reduced. Upon completion of the construction phase, maintenance of a vegetative cover or covering undeveloped areas with gravel would serve as effective, long-term erosion control strategies for areas not covered with impervious surfaces. Soils underlying facilities and pavements are not typically subject to erosion.

Because management practices required by the developer's Construction Site Storm Water NPDES permit and SWPPP would be implemented during demolition and construction activities, no significant impacts to soils are anticipated.

Sound Transit Mukilteo Station Expansion

The proposed Sound Transit Mukilteo Station Expansion project is unlikely to affect the local geology. Sedimentation patterns would not be significantly altered, and no structural movements or changes in seismicity would result.

Potential impacts to soil would be minimal and would result primarily from ground disturbance associated with construction of new passenger platform and pedestrian bridge. These activities could alter soil profiles, as grading is required for construction activities. Construction activities would adhere to applicable local regulations regarding grading and excavation. These regulations address preserving, enhancing, or replacing understory and groundcover; minimizing degradation of water quality and sedimentation of creeks; minimizing impacts of increased runoff erosion and sedimentation; and protection of groundwater resources. Once disturbed areas have been covered with pavement, buildings, or vegetation, their susceptibility to erosion would be significantly reduced. No significant impact to geology and soils is anticipated.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

Extending the access road and water line to the Mount Baker Terminal is unlikely to affect the local geology. Sedimentation patterns would not be significantly altered, and no structural movements or changes in seismicity would result.

Potential impacts to soil would be minimal and would result primarily from ground disturbance associated with construction of the access road and trenching to install the new water line. These activities could alter soil profiles, as grading is required for construction activities. Construction activities would adhere to applicable local regulations regarding grading and excavation. These regulations address preserving, enhancing, or replacing understory and groundcover; minimizing degradation of water quality and sedimentation of creeks; minimizing impacts of increased runoff erosion and sedimentation; and protection of groundwater resources. Once disturbed areas have been covered with pavement or vegetation, their susceptibility to erosion would be significantly reduced. No significant impact to geology and soils is anticipated.

4.12.4.6 Water Resources.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to water resources are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Storm Water. Increases in land cover could generate increased volumes of runoff, and paved areas used by vehicles can carry pollutants. Runoff would discharge directly to Possession Sound, which is a major receiving waterbody that would be unaffected by any change in flow volumes or rates. Potential impacts on storm water would be minimized by incorporating appropriate storm water treatment measures in the project design. Storm water would be treated through use of BMPs prior to being released to surface water. BMPs may consist of ponds, vegetated areas, biofiltration swales, filters, created wetlands, or other features designed to treat for the removal of pollutants from storm water runoff. A subsurface retention basin may also be installed to help control stormwater runoff from the site. Drainage conveyance systems would be designed to meet requirements for storm water discharge into Possession Sound.

Flooding. A portion of the Mukilteo Tank Farm Property is within the FEMA 100-year floodplain. The floodplain area is situated primarily on the western portion of the property where toll booths are proposed (near the NOAA facility) and along the shoreline north of the proposed terminal, extending to the Mount Baker Terminal. The ferry terminal development may include the importation of fill material to modify the site elevation, which would raise the surface of the development site above floodplain elevation and help protect sensitive archaeological resources. The floodplain is not situated in the area proposed for ferry terminal operations.

A FONPA in accordance with EO 11988, Floodplain Management, is included with this EA because the Air Force Proposed Action occurs within a 100-year floodplain. The grantee, transferee, and any successors in interest would be required to comply with applicable Federal and State law and regulations regarding potential impacts to floodplains. The Washington Department of Ecology is the primary state agency responsible for administration and enforcement of laws related to flood control and floodplain management regulation. Future development of the Mukilteo Tank Farm Property would comply with Snohomish County Amended Ordinance 07-005 relating to flood hazard regulations and flood hazard permit requirements to comply with the National Flood Insurance Program.

Marine Vegetation. A potential impact on water quality is shading of the nearshore aquatic vegetation, which could reduce photosynthetic activity and dissolved oxygen levels in the immediate area of the ferry pier. The proposed ferry terminal development includes a short pier and a public fishing pier with day moorage, and removes the existing Tank Farm Pier, for a net removal of about 131,000 square feet of over-water cover. Overall, the potential effect on marine vegetation would be limited to the immediate project area and is not anticipated to result in measureable impacts on aquatic life.

Sediment. Propeller-induced currents during ferry docking are not expected to disturb the sound's bottom slopes or sediments near the ferry terminal. The *Propwash and Vessel Wakes Study* completed for the proposed terminal determined that the maximum bottom velocities for the ferries do not exceed the regulated threshold for resuspension of bottom sediments (WSDOT/FTA, 2012a). The extent to which bottom sediments are re-suspended and the size of the sediment effect footprint would be determined, and reviewed for potential effects during the permitting process.

Over-Water Spills. Ferry terminal activities would occur over water and within nearshore areas. Such activities would include docking of ferries, operation of the vehicle transfer span, loading and unloading of vehicles, and collection of wastes and other activities related to increased human presence. Small fuel leaks, engine fluid releases, garbage, and spill of other harmful materials could occur during ferry operations; however, appropriate containment and collection, is included in ferry operations to minimize the potential for adverse impacts on the offshore and nearshore water resources. The pier for the proposed ferry terminal development is short and the risk of spills is expected to be small; therefore no significant impacts are anticipated.

Construction. Potential construction impacts would be short term and temporary, confined to the duration of construction activities. Potential impacts on water quality may result from removal of existing buildings and piers, relocation of utilities, land-disturbing activities, dredging of sediments, construction of new buildings and trestles, and removal and installation of in-water features, including bulkheads.

Construction activities could result in soil erosion, which could lead to sediment entering storm water runoff. As discussed in Section 4.12.4.5, the proposed activities would be subject to Construction Site Storm Water NPDES permit requirements for storm water discharge during the construction period. Issuance of a Construction Site Storm Water NPDES permit is contingent on the development of an SWPPP by the permittee. SWPPP requirements under the Construction Site Storm Water NPDES permit include an outline of the storm water drainage system for each discharge point, actual and potential pollutant contact, and surface water locations. The SWPPP would also incorporate storm water management controls and preventive maintenance for buildings. Compliance with the Construction Site Storm Water NPDES permit and the SWPPP would minimize potential impacts to surface water.

If water is encountered during excavation and construction activities, dewatering of selected areas may be required to allow those activities to proceed. Dewatering of a site typically involves pumping groundwater out of a construction area to temporarily lower the water table elevation, allowing work to be done in a relatively dry condition. Within the study area, shallow groundwater exists at 7 to 10 feet below ground surface. Overall excavation is expected to be limited and designed to avoid archaeological resources as much as possible.

Construction of the fixed dolphin structures, wing walls, trestle, and pedestrian overhead loading walkway would involve driving piles or drilling shafts into the sediment and creation of new drainage outfalls along the Possession Sound shoreline would likely require localized excavation of the armored shoreline. These activities could produce suspended sediments that could escape collection, thereby creating small turbidity plumes in the nearshore area. The potential for suspended sediments and turbity plumes due to construction would be assessed during the permitting process. Increased turbidity would briefly reduce penetration of light in the water column and thereby reduce productivity of aquatic plants and algae that form part of the food chain.

The removal of the Tank Farm Pier and its support piles would result in nearshore turbidity plumes. Dredging would result in temporary impacts from the removal and suspension of sediments. Creosote-related hydrocarbons, which are harmful to marine organisms, may have leached from the Tank Farm Pier piles into the surrounding sediment (Herrera, 2006). Wave action and currents could then transport the resuspended contaminants to nearby areas of Possession Sound, potentially resulting in adverse impacts on aquatic organisms.

For construction work within or above water, a Hydraulic Project Approval (HPA) would be required from the Washington State Department of Fish and Wildlife. Work could be limited by the HPA to selected work windows specifying the time of year during which construction activities are allowed to occur.

During construction, use of effective and required pollution prevention measures would reduce the risk of spills. If an accidental spill of fuel, lubricant, or septic material occurs during construction, the contractor would be responsible for initiating appropriate containment and cleanup measures.

A number of plans would be developed and implemented to minimize impacts from construction activities and incorporated into construction contracts. These plans include:

- Turbidity Control Plan: Implemented to contain sediments in the nearshore areas for over-water work and for activities such as pile driving, beachhead work, and other activities below the ordinary high water level.

- Temporary Erosion and Sediment Control Plan: Developed to contain and minimize sediment transport from upland construction areas.

- Spill Prevention, Control, and Countermeasures Plan: Developed to reduce the potential for accidental spills, minimize their quantity, provide direction for containment, and clean up any materials that could cause pollution to the water resources and surrounding environments.

- Dewatering Plan: Implemented to prevent groundwater contamination and to ensure appropriate treatment of water removed during dewatering.

- Dredged Materials Disposal Plan: Developed to manage the disposal of dredged sediments and minimize potential environmental impacts from dredging and disposal activities.

Because required management practices would be implemented during demolition and construction activities, no significant impacts to water resources are anticipated from construction and operation of the proposed Mukilteo Multimodal Ferry Terminal.

Sound Transit Mukilteo Station Expansion

The project site is not within a FEMA designated floodplain. During construction, use of effective and required pollution prevention measures would reduce the risk of spills. If an accidental spill of fuel, lubricant, or septic material occurs during construction, the contractor would be responsible for initiating appropriate containment and cleanup measures. A number of plans would be developed and implemented to minimize potential impacts from construction activities including a Temporary Erosion and Sediment Control Plan, Spill Prevention, Control, and Countermeasures Plan, and if appropriate, a Dewatering Plan.

Because required management practices would be implemented during demolition and construction activities, no significant impacts to water resources are anticipated from construction and operation of the new passenger platform and pedestrian bridge at the Sound Transit Mukilteo Station.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

The project site is not within a FEMA designated floodplain. During construction, use of effective and required pollution prevention measures would reduce the risk of spills. If an accidental spill of fuel, lubricant, or septic material occurs during construction, the contractor would be responsible for initiating appropriate containment and cleanup measures. A number of plans would be developed and implemented to minimize potential impacts from construction

activities including a Temporary Erosion and Sediment Control Plan, Spill Prevention, Control, and Countermeasures Plan, and if appropriate, a Dewatering Plan.

Because required management practices would be implemented during demolition and construction activities, no significant impacts to water resources are anticipated from construction of the access road and water line and operation of the Mount Baker Terminal.

4.12.4.7 Air Quality.

Mukilteo Multimodal Ferry Terminal

Analysis of potential air quality impacts are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Operations Emissions. The proposed ferry terminal development conforms with the SIP because it does not:

- Cause or contribute to any new violations of the NAAQS
- Increase the frequency or severity of any existing violation of the NAAQS
- Delay the timely attainment of the NAAQS.

Worst-case operational CO concentrations were modeled for the ferry terminal development with no exceedance of the 35 ppm 1-hour average or the 9 ppm 8-hour average NAAQS for CO occurring at any receptor location. Regional impacts were considered for the Central Puget Sound CO maintenance area, and impacts during construction were evaluated on a regional scale, including the Central Puget Sound CO maintenance area. As a regionally significant project, the proposed project is included in the current RTP and in the TIP. The RTP and the TIP meet the conformity requirements identified by federal and state regulations for CO.

Because the project area is in a maintenance area for CO, a project-level analysis was conducted to verify that no localized impacts would cause, contribute to, or worsen a violation of the NAAQS. The analysis calculated CO concentrations around selected intersections, which were chosen based on their high levels of traffic volumes and delay. Air quality was modeled for the existing year (2010), the year of opening (2019), and the horizon year (2040) for all the alternatives. The results for the worst-case receptor were below the 1-hour average NAAQS for CO of 35 ppm and below the 8-hour average standard of 9 ppm. This confirms that the air quality would improve in the vicinity of the project area, resulting in no exceedance of the CO air quality standards in 2040.

Ozone concentrations were not modeled because ozone has been modeled on a regional scale by the Puget Sound Regional Council and is not likely to have an effect. The primary source of air pollution in the project area is vehicle emissions. The presence of traffic queues at the existing tollbooths and vehicles traveling to the ferry may result in short-term periods of high vehicle emissions and elevated CO concentrations. However, the low-rise residential and commercial structures do not trap emissions, reducing the likelihood of elevated pollutant concentrations.

Mobile Source Air Toxic (MSAT) emissions are anticipated to be lower than present levels in the design year as a result of U.S. EPA's national control programs that are projected to reduce annual MSAT emissions by 72 percent between 1999 and 2050.

Construction Emissions. Construction activities can temporarily generate particulate matter (mostly dust) and small amounts of other pollutants. These emissions are often associated with earthwork and demolition activities. If uncontrolled, particulate matter would also be generated by construction trucks entering roadways, and depositing dust and mud on paved streets.

WSDOT requires contractors to develop construction plans to identify measures to mitigate air quality impacts. These construction plans would make every attempt to minimize roadway congestion, and conserve energy and reduce air emissions by limiting idling equipment, encouraging construction workers to carpool, and locating staging areas near work sites.

Fugitive dust emissions during construction would be reduced by incorporating measures, in accordance with the Associated General Contractor of Washington Guidelines, into the construction specifications for the project. Possible measures to control fugitive dust emissions during construction include:

- Spray exposed soil with water to reduce emissions of PM_{10} and the deposition of particulate matter.
- Minimize dust emissions during transport of fill material or soil by wetting down or covering the load.
- Promptly clean up spills of transported material on public roads.
- Locate construction equipment and truck staging areas away from residences, as practicable, and in consideration of potential impacts on other resources.
- Provide wheel washers to remove particulate matter that would otherwise be carried off site by construction vehicles.
- Cover dirt, gravel, and debris piles, as needed, to reduce dust and wind-blown debris.
- Minimize on-site odors by covering loads of hot asphalt.

Greenhouse Gas Emissions. Approximately 91,000 metric tons of CO_2 equivalent (CO_2e) would be generated during construction activities for the ferry terminal development. Because the project would not change operational energy use patterns, there would not be a change in associated greenhouse gas emissions. Based on the design of the new ferry terminal to improve traffic flow and reduce the amount of time vehicles are queued on streets, a possible reduction in greenhouse gas emissions may result compared to current conditions.

Consistent with the requirements of RCW 39.94.020, WSDOT would design terminal buildings with occupied space to meet the United States Green Building Council Leadership in Energy and Environmental Design (LEED) silver standard. LEED certified buildings are more energy efficient than conventional buildings, and incorporate a variety of conservation measures.

This project meets project-level air quality conformity in accordance with state and federal regulations as follows:

- The project is in the Puget Sound Regional Council's RTP.
- The project is included in the current TIP.

- The project meets the local hot-spot conformity requirements. Because the project has been included in the RTP and TIP modeling, it demonstrates conformity to the SIP. The project meets project-level conformity requirements because it would not cause any new NAAQS exceedance or worsen any existing one, and would not delay the timely attainment of any standard.

The air quality analysis indicates that the Mukilteo Multimodal Project would not result in significant adverse air quality impacts in the study area.

Sound Transit Mukilteo Station Expansion

Construction activities associated with the Sound Transit Mukilteo Station Expansion would result in short-term impacts to air quality from emissions generated during construction of the passenger platform and pedestrian bridge. Potential impacts are expected to be primarily from fugitive dust associated with grading of the land, construction vehicles traveling on unpaved surfaces at the site, and delivery trucks and worker's commuting vehicles during the construction period. Construction plans would identify measures to mitigate potential air quality impacts such as watering unpaved surfaces, minimizing roadway congestion, limiting idling equipment, encouraging construction workers to carpool, and locating staging areas near work sites. Once construction activities are completed, proposed passenger station activities are expected to be similar to current operations. Therefore, no significant air quality impacts are anticipated.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

Construction activities associated with the Mount Baker Terminal project would result in short-term impacts to air quality from emissions generated during construction of the access road and water line installation. Potential impacts are expected to be primarily from fugitive dust associated with grading of the land, construction vehicles traveling on unpaved surfaces at the site, and delivery trucks and worker's commuting vehicles during the construction period. Construction plans would identify measures to reduce potential air quality impacts such as watering unpaved surfaces, minimizing roadway congestion, limiting idling equipment, encouraging construction workers to carpool, and locating staging areas near work sites. Once construction activities are completed, proposed operations at the Mount Baker Terminal are expected to be similar to current operations. Therefore, no significant air quality impacts are anticipated.

4.12.4.8 Noise.

Mukilteo Multimodal Ferry Terminal

Analysis of potential noise impacts are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Construction elements of the ferry terminal development include demolition, earth moving, hauling, grading, paving, pile driving, pier construction, building construction, and road construction. General construction noise and vibration impacts could be expected during these construction elements, but would be most pronounced during demolition, pile driving, and road construction.

The Losvar Condominium and Silver Cloud Inn residents and guests would likely experience greater noise and vibration annoyance than other area residents due to their proximity to the project site. No existing nearby structures would be damaged nor would noise or vibration levels

exceed federal annoyance criteria. Vibration from construction activities could affect laboratory experiments conducted at the NOAA Mukilteo Research Station.

The construction contractor would be required by the WAC and Mukilteo Municipal Code to restrict noise-generating construction activities to daylight hours or obtain a variance from the City of Mukilteo.

Noise generated from proposed demolition and construction activities would be intermittent and short term, and would primarily occur at the construction site. Once development activities are completed, proposed activities (i.e., multimodal ferry terminal) are expected to be similar to current ferry operations west of the property. Therefore, no significant impacts are anticipated.

Sound Transit Mukilteo Station Expansion

The construction contractor would be required by the WAC and Mukilteo Municipal Code to restrict noise-generating construction activities to daylight hours or obtain a variance from the City of Mukilteo. Noise generated during construction of the passenger platform and pedestrian bridge would be intermittent and short term, and would primarily occur at the construction site. Once construction activities are completed, proposed passenger station activities are expected to be similar to current operations. Therefore, no significant impacts are anticipated.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

The construction contractor would be required by the WAC and Mukilteo Municipal Code to restrict noise-generating construction activities to daylight hours or obtain a variance from the City of Mukilteo. Noise generated during construction of the access road and water line installation would be intermittent and short term, and would primarily occur at the construction site. Once construction activities are completed, activities at the Mount Baker Terminal are expected to be similar to current operations. Therefore, no significant impacts are anticipated.

4.12.4.9 Biological Resources.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to biological resources are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Vegetation. Vegetation would be disturbed during demolition and construction activities associated with the Mukilteo Ferry Terminal. Vegetation at the Mukilteo Tank Farm Property consists of areas containing nonnative grasses and shrubs. Impacts to such highly disturbed, human-created habitats are considered to be insignificant. The property would be landscaped upon completion of construction activities. No significant impacts to vegetation are anticipated.

Wildlife. Demolition and construction activities within the Mukilteo Tank Farm Property could temporarily affect some individual wildlife species. However, because the land has been developed, these areas and adjacent areas lack suitable wildlife habitat. The species known to inhabit the property are common and/or disturbance tolerant. Potential impacts to wildlife include displacement of individuals to adjacent areas and direct mortality to burrowing species (e.g., mice and rats) or individuals that are less mobile. These impacts to common wildlife species are not expected to be significant.

Buildings, shrubs, and trees on the property provide suitable nesting habitat to a variety of bird species. Removal or relocation of shrubs and trees during demolition and construction activities

could cause impacts to bird species during nesting season; however, similar nesting habitat exists on surrounding properties. During development, WSDOT/FTA would comply with the stipulations of the Migratory Bird Treaty Act to avoid potential impacts to nesting birds and if needed, would coordinate with the USFWS in permitting proposed activities to minimize potential effects to nesting birds. Therefore, no significant impacts to bird species are anticipated.

Removal of the Tank Farm Pier, which would remove feeding habitat as well as change the seabed in elevations and sediment composition in the area, could reduce crab use in the area. Dredging would occur across a portion of the footprint of the Tank Farm Pier and could also reduce crab use in the area. While pier removal would not affect overall Dungeness crab populations, it would likely reduce the numbers of crabs in the project area.

There would be beneficial effects from demolition of the Tank Farm Pier and removal of approximately 3,900 creosote-treated timber piles associated with the pier as this would eliminate a large source of creosote in the environment. Also, any sediments found to be contaminated under the pier would be remediated. Remediation of sediment may include dredging sediment from within the proposed dredge prism that is associated with the proposed Mukilteo Multimodal Project. Any contaminated material removed during dredging would be disposed upland at a permitted disposal facility. Additional required remediation measures may include capping of the newly exposed dredge surface within the dredge prism and/or armoring the side slopes of the sediment pile remaining in the footprint of the former pier. Removing the pier would also eliminate the shade from approximately 131,000 square feet of over-water structures, allowing more sunlight that would potentially increase macroalgae and eelgrass growth, increase macroinvertebrate production, and improve habitat for salmonids and other fish.

Scheduling in-water work during appropriate wildlife windows and monitoring for marine mammal and bird presence before and during construction activities would be conducted to minimize potential impacts from construction noise. Vegetation and structure removal would be timed appropriately to avoid potential impacts to migratory birds. No significant impacts to migratory birds are anticipated.

Threatened and Endangered Species. Due to the developed nature of the Mukilteo Tank Farm Property, suitable habitat for terrestrial threatened and endangered species does not exist. There is no suitable habitat for any of the threatened or endangered species identified as having the potential to occur on the Mukilteo Tank Farm Property. Therefore, no significant impacts to terrestrial threatened and endangered species as a result of the proposed ferry terminal development are anticipated.

It is possible that the threatened bull trout and endangered marbled murrelets utilize the nearshore waters parallel to the Mukilteo Tank Farm Property. Federally-listed marine mammals that may occur offshore of the Mukilteo Tank Farm within Puget Sound include the endangered southern resident killer whale, the endangered humpback whale, and the threatened Steller sea lion. The humpback whale has been documented in the Puget Sound area near the Mukilteo Tank Farm Property the Steller sea lion has not been reported in or near the waters adjacent to the property. Federally-listed fish species occurring in Puget Sound include the threatened bull trout, endangered marbled murrelet, threatened Chinook salmon, threatened steelhead, endangered bocaccio, and the species of concern listed coho salmon. Both Chinook and coho salmon have been documented in the nearshore waters of the Mukilteo Tank Farm Property. The endangered marbled murrelet is a federally-listed bird species occurring in the vicinity of the property.

The project would comply with any minimization measures developed during consultation with NOAA Fisheries Service and USFWS in compliance with the ESA, the Magnuson-Stevens Fishery Conservation Management Act, and Marine Mammal Protection Act. The project would also meet the permit requirements of local, state, and federal agencies with jurisdiction over

aquatic lands and shoreline areas; these permits typically include commonly applied mitigation measures or BMPs as well as project-specific mitigation requirements.

Temporary disturbance or displacement of these species, if present, may occur during removal of the existing pier and construction of the new ferry terminal. Once pier removal and construction activities are completed, these species, if present, would likely return to the area as no further disturbance would occur. No significant impacts to threatened and endangered species are anticipated.

Sensitive Habitat. No regulated wetlands have been identified on the property; however, eelgrass has been identified in the nearshore waters of the Mukilteo Tank Farm Property and at the neighboring Mount Baker Terminal. Eelgrass provides food production and physical structure for the biological community, is nursery habitat for many commercial fisheries species, and is normally considered EFH. Because eelgrass has not been identified in the vicinity of the proposed ferry terminal development disturbance to eelgrass communities is not anticipated to occur during removal of the existing pier and construction of the new ferry terminal. No significant impacts are anticipated.

Beneficial effects would result from the potential daylighting of a portion of Japanese Creek (agency unknown) within the Mukilteo Tank Farm Property, which would restore riparian and aquatic habitat. Weirs would be added to a section of the creek to allow fish access to an adjacent wetland, which would increase rearing and foraging habitat.

Sound Transit Mukilteo Station Expansion

Vegetation would be disturbed during construction activities. Vegetation at the project site consists of landscaped areas containing nonnative grasses, ornamental shrubs, and shade trees. Impacts to such highly disturbed, human-created habitats are considered to be insignificant. Construction activities at the project site could temporarily affect some individual wildlife species. However, because the land has been developed, the project site and adjacent areas lack suitable wildlife habitat. The species known to inhabit the property are common and/or disturbance tolerant. Potential impacts to wildlife include displacement of individuals to adjacent areas and direct mortality to burrowing species. Potential impacts to common wildlife species are not expected to be significant.

No sensitive habitats have been identified at the project site. Due to the developed nature of the project site, suitable habitat for terrestrial threatened and endangered species does not exist. There is no suitable habitat for any of the threatened or endangered species identified as having the potential to occur on the Mukilteo Tank Farm Property. Therefore, no significant impacts to terrestrial threatened and endangered species are anticipated. The project site is not near the marine environment; therefore, no significant impacts to aquatic species are anticipated.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

Vegetation would be disturbed during construction activities. Vegetation in the vicinity of the proposed access road consists of non-landscaped areas containing nonnative grasses. Impacts to such highly disturbed, human-created habitat are considered to be insignificant. Construction activities at the project site could temporarily affect some individual wildlife species. However, because the land has been developed, the project site and adjacent areas lack suitable wildlife habitat. The species known to inhabit the property are common and/or disturbance tolerant. Potential impacts to wildlife include displacement of individuals to adjacent areas and direct mortality to burrowing species. Potential impacts to common wildlife species are not expected to be significant.

No sensitive habitats have been identified the vicinity of the proposed access road. Due to the developed nature of the project site, suitable habitat for terrestrial threatened and endangered species does not exist. There is no suitable habitat for any of the threatened or endangered species identified as having the potential to occur on the Mukilteo Tank Farm Property. Therefore, no significant impacts to terrestrial threatened and endangered species are anticipated. The proposed access road would not be near the marine environment; therefore, no significant impacts to aquatic species are anticipated.

4.12.4.10 Cultural Resources.

Mukilteo Multimodal Ferry Terminal

Analysis of potential impacts to cultural resources are provided below based on information presented in the Mukilteo Multimodal Project, Draft EIS (WSDOT/FTA, 2012a).

Construction and operation of the Mukilteo Multimodal Ferry Terminal could cause adverse effects on historic properties. FTA has initiated consultations with DAHP and interested tribes pursuant to the NHPA. The technical assessment of project impacts, the stipulations governing additional assessment of impacts, and the development of mitigation options would be guided by a Memorandum of Agreement (MOA). The MOA and an associated treatment plan would dictate the specific mitigation of impacts on historic properties.

The use of fill and other detailed design and construction approaches could eliminate many of the potential adverse effects. If the project could be constructed completely on fill, it could avoid or reduce adverse effects. As the project design advances and clarifies the locations and types of excavation required, precautionary construction techniques would be selected to help avoid or minimize adverse effects.

Monitoring would be undertaken for excavations that would be deep enough to potentially impact the recorded sites. If construction of an element would adversely affect a National Register property and the element cannot be redesigned to avoid the adverse effect, mitigation measures would be developed in consultation with the DAHP and appropriate consulting parties, prior to project implementation. Data recovery through controlled archaeological excavation would be undertaken as appropriate for anticipated damage to National Register-eligible archaeological sites. Plans for the long-term curation of artifacts or samples recovered during archaeological investigations or during construction would be developed in consultation with agencies, property owners, and appropriate tribes.

In the event that archaeological resources are encountered during demolition and construction activities, the redevelopment contractor would suspend work in the immediate area, protect the site in place, and report the discovery to the DAHP to determine if mitigation is required. In the event mitigation is required, any work would be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37), and take into account the Advisory Council's publication, Treatment of Archaeological Properties. Subsequent actions would follow guidance provided in 36 CFR Part 800 (for federal actions), the Preservation Covenant, Washington law (as applicable) and/or the Native American Graves Protection and Repatriation Act (NAGPRA). In the event that human remains – including human skeletal remains, cremations, and/or ceremonial or funerary objects – are found during ground-disturbing activities, work would cease in the immediate vicinity of the discovery. The county coroner would be notified. If the remains are determined to be Native American, the coroner would notify the Native American Heritage Commission, who would then notify those persons most likely to be descended from the encountered remains. In consultation with Native American communities or other groups and any involved regulatory agencies, appropriate arrangements

would be made for the repatriation of the remains and any associated funerary items by groups with cultural or religious affinity claims to them.

The proposed property transfer out of federal ownership and control would be subject to a permanent Preservation Covenant that ensures continuation of protections of cultural resources. With this Preservation Covenant and appropriate mitigation of potential effects from construction activities, potential impacts to archaeological resources would be reduced to less than significant.

Sound Transit Mukilteo Station Expansion

Analysis of potential impacts to cultural resources are provided below based on information presented in the Final Environmental Impact Statement for the Everett-to-Seattle Commuter Rail Project (Sound Transit, 1999).

Historic buildings situated northeast of the project site (on the bluff overlooking the site) could be temporarily affected from noise, dust, and traffic congestion during the construction period. Once construction activities are completed, no impact from operating the station is anticipated.

No excavation is planned near known archaeological sites; however, undiscovered archaeological deposits could be identified during ground disturbing activities. This is considered unlikely due to a comparison between the locations of these sites and planned activities.

In the unlikely event that archaeological resources are encountered during construction activities, the contractor would suspend work in the immediate area, protect the site in place, and report the discovery to the SHPO to determine if mitigation is required. In the event mitigation is required, any work would be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties. Thus, no significant impacts to archaeological resource are anticipated.

Port of Everett Rail/Barge Transfers Facility (Mount Baker Terminal)

Historic buildings situated south of the proposed access road and water line installation (on the bluff overlooking the site) could be temporarily affected from noise, dust, and traffic congestion during the construction period. Once construction activities are completed, no impact from continued operations at the Mount Baker Terminal is anticipated.

No archaeological sites are known to be present near the area proposed for the access road extension and water line installation; however, undiscovered prehistoric or historic archaeological deposits could be identified during ground disturbing activities. This is considered unlikely due to a comparison between the locations of known sites and planned activities.

In the unlikely event that archaeological resources are encountered during construction activities, the contractor would suspend work in the immediate area, protect the site in place, and report the discovery to the SHPO to determine if mitigation is required. In the event mitigation is required, any work would be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties. Thus, no significant impacts to archaeological resource are anticipated.

4.13 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Irretrievable resource commitments would involve a loss or gain in the value of an affected resource that could not be reversed. Other than irreversible or irretrievable commitment of resources such as labor, fuel, and demolished materials (during redevelopment), implementation of the property transfer would not result in any significant irreversible or irretrievable effects because future development of the property would be subject to legally enforceable restrictions and conditions (e.g., Preservation Covenant) on the conveyance and to further review by local, State, and Federal government agencies for NEPA and SEPA analysis.

4.14 COMPATIBILITY OF THE PROPOSED ACTION WITH OBJECTIVES OF FEDERAL, STATE, REGIONAL, AND LOCAL LAND USE PLANS AND POLICIES

The Proposed Action and alternatives promote the Air Force's intention to cooperate with communities and other federal agencies, whenever possible, for redevelopment of surplus property. The Proposed Action and alternatives would not adversely affect federal, state, regional, or local land use plans and policies and are compatible with adjacent land uses.

4.15 RELATIONSHIP BETWEEN SHORT-TERM USES OF THE ENVIRONMENT AND LONG-TERM PRODUCTIVITY

The Proposed Action and alternatives would not affect the long-term productivity of the environment because no significant environmental impacts are anticipated, provided enforceable restrictions and conditions (e.g., Preservation Covenant) identified in this EA are implemented, and natural resources would not be depleted.

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APPENDIX A

SPECIAL LEGISLATION

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 2001

*Public Law 106–398
106th Congress

An Act

Oct. 30, 2000
[H.R. 4205]

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Incorporation by reference.

SECTION 1. ENACTMENT OF FISCAL YEAR 2001 NATIONAL DEFENSE AUTHORIZATION ACT.

The provisions of H.R. 5408 of the 106th Congress, as introduced on October 6, 2000, are hereby enacted into law.

1 USC 112 note.

SEC. 2. PUBLICATION OF ACT.

In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the text of the bill referred to in section 1.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 4205 (S. 2549) (S. 2550):

HOUSE REPORTS: Nos. 106–616 (Comm. on Armed Services) and 106–945 (Comm. of Conference).

SENATE REPORTS: No. 106–292 accompanying S. 2549 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 146 (2000):
May 17, 18 considered and passed House.
July 13, considered and passed Senate, amended.
Oct. 11, House agreed to conference report.
Oct. 12, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):
Oct. 30, Presidential statement.

***ENDNOTE:** The following appendix was added pursuant to the provisions of sections 1 and 2 of this Act.

SEC. 2866. LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Port of Everett, Washington (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 22 acres and known as the Mukilteo Tank Farm for the purpose of permitting the Port to use the parcel for the development and operation of a port facility and for other public purposes.

(b) PERSONAL PROPERTY.—The Secretary of the Air Force may include as part of the conveyance authorized by subsection (a) any personal property at the Mukilteo Tank Farm that is excess to the needs of the Air Force if the Secretary of Transportation determines that such personal property is appropriate for the development or operation of the Mukilteo Tank Farm as a port facility.

(c) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Air Force may lease all or part of the real property to the Port if the Secretary determines that the real property is suitable for lease and the lease of the property under this subsection will not interfere with any environmental remediation activities or schedules under applicable law or agreements.

(2) The determination under paragraph (1) whether the lease of the real property will interfere with environmental remediation activities or schedules referred to in that paragraph shall be based upon an environmental baseline survey conducted in accordance with applicable Air Force regulations and policy.

(3) Except as provided by paragraph (4), as consideration for the lease under this subsection, the Port shall pay the Secretary an amount equal to the fair market of the lease, as determined by the Secretary.

(4) The amount of consideration paid by the Port for the lease under this subsection may be an amount, as determined by the Secretary, less than the fair market value of the lease if the Secretary determines that—

(A) the public interest will be served by an amount of consideration for the lease that is less than the fair market value of the lease; and

(B) payment of an amount equal to the fair market value of the lease is unobtainable.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Port.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force, in consultation with the Secretary of Transportation, may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Public Law 107–107
107th Congress

An Act

Dec. 28, 2001
[S. 1438]

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Year 2002.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. TRANSFER OF JURISDICTION, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) TRANSFER AUTHORIZED.—The Secretary of the Air Force shall transfer, without reimbursement, to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm in Everett, Washington, and containing the Mukilteo Research Center facility of the National Marine Fisheries Service.

(b) TIME FOR CONVEYANCE.—The Secretary of the Air Force shall make the transfer under subsection (a) at the same time that the Secretary makes the conveyance authorized by section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–436).

(c) EXCHANGE.—With the consent of the Port Authority for Everett, Washington, the Secretary of Commerce may exchange with the Port Authority all or any portion of the property transferred under subsection (a) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port Authority.

(d) ADMINISTRATION.—The Secretary of Commerce shall administer the property transferred under subsection (a) or received under subsection (c) through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration. The Administrator shall use the property as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

(e) EFFECT OF FAILURE TO UTILIZE TRANSFERRED PROPERTY.—(1) If, after the 12-year period beginning on the date of the enactment of this Act, the Administrator is not using any portion of the property transferred under subsection (a) or received under subsection (c) for the purpose specified in subsection (d), the Administrator shall convey, without consideration, to the Port Authority for Everett, Washington, all right, title, and interest in and to such portion of the real property, including improvements thereon.

(2) The Port Authority shall use any real property conveyed to the Port Authority under this subsection for development and operation of a port facility and for other public purposes.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force. The cost of the survey shall be borne by the Secretary of Commerce.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

(h) CONFORMING AMENDMENT.—Section 2866(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–436) is amended by striking "22 acres" and inserting "20.9 acres".

Subtitle E—Other Matters

SEC. 2861. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

"SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

"(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

"(b) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

"(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the

APPENDIX B

U.S. AIR FORCE PRESERVATION COVENANT AND WASHINGTON STATE HISTORIC PRESERVATION OFFICER CONCURRENCE LETTER

HISTORIC PRESERVATION COVENANT

[EXHIBIT XXX TO THE QUITCLAIM DEED]

SECTION I: Covenant by Grantee

A. In furtherance of fulfilling the obligations of the Grantor to its trust responsibilities to federally-recognized Native American tribes and under the National Historic Preservation Act of 1966 (NHPA), codified at sections 470 et seq. of title 16, United States Code, the Grantee, by acceptance of this Deed, covenants and agrees, for itself, its heirs, its successors and assigns, and for every successor in interest to the historic properties, or any part thereof, on the real property ("Property") conveyed by this Deed, that it will abide by each of the following covenants, each of which will be a covenant running with the land. The term "Grantee" includes its heirs, its successors and assigns, and every successor in interest.

B. Covenant Applicability. The following covenants apply to historic properties (as defined in 36 CFR 800.16) located within the Property, which are eligible or potentially eligible for the National Register of Historic Places (National Register) under the criteria in title 36 of the Code of Federal Regulations (CFR) Part 60, and all artifacts, cultural materials, features, and so on, which are directly related thereto.

SECTION II: Consultation with Tribes Regarding Properties Eligible for National Register Listing.

The Grantee must consult with affiliated federally-recognized Native American tribes when any undertaking may affect historic properties, structures or objects of traditional religious and cultural significance to affected Indian tribes (as defined within

36 CFR 800) and archaeological resources (as defined within RCW 27.53.030) . Grantee will conduct the consultation in a manner consistent with 36 CFR 800.

SECTION III: Archaeological Resource Preservation.

The Grantee will comply at all times with the following:

A. Consistent with the intent and the provisions of Section 106 of the NHPA and its implementing regulations, the Grantee will, prior to any proposed undertaking, perform consultation to identify historic properties potentially affected by the undertaking and assess its effects; and seek ways to avoid, minimize or mitigate any adverse effects on the historic properties located on the Property following a process analogous to that within 36 CFR 800. Consistent with the intent and provisions of the NHPA, the Grantee will not undertake any demolition, construction, alteration or rehabilitation on the parcel that would affect any significant scientific prehistoric or historical-period archaeological data without first consulting with the Washington State Department of Archaeology and Historic Preservation (DAHP).

B. The Grantee will use Qualified Staff or Professional Archeologist(s) to develop or review proposed projects and work requirements for any undertaking that may affect portions of any archaeological resource(s) on the Property eligible for inclusion in the National Register; that may damage, deface, or destroy any historic or

prehistoric archaeological resource or site, or remove any archaeological object from such site (as defined in Ch 27.53 RCW); and to facilitate any necessary consultation with the DAHP and any affected tribe(s). "Qualified staff" will consist of appropriate personnel meeting the Secretary of the Interior's Professional Qualification Standards published at 36 CFR Part 61. The utilization of a "professional archaeologist" will be consistent with the requirements of RCW 27.53.030(8).

C. The Grantee will ensure that no person, firm, corporation, or any agency or institution subject to Grantee's control knowingly removes, alters, digs into, or excavates by use of any mechanical, hydraulic, or other means, damages, defaces, or destroys any archaeological resource, or removes any archaeological object from such resource (as defined in 27.53 RCW) on the property without first obtaining a permit in accordance with 27.53 RCW, et seq. from the DAHP or its successor agency. It is expected that the terms of the permit issued by DAHP will be consistent with these covenants to the extent authorized by law and drafted in consultation with any affected federally-recognized tribe(s). If an excavation is part of a Federal undertaking, Grantee will consult with DAHP pursuant to Section 106 of the NHPA and its implementing regulations, and, with DAHP concurrence, a Memorandum of Agreement ("MOA") or Programmatic Agreement ("PA") entered pursuant to the NHPA may stand in lieu of the state permit.

D. Upon receipt of a completed permit application form or draft MOA for archaeological excavation of an archaeological site, Native American cairn or grave, or the removal of glyptic or painted records, DAHP, at least thirty days before issuing such a permit or signing an MOA, will notify any affected Native American tribe(s) that may consider the site to be of historic or cultural significance in accordance with WAC 25-48-070, Notification to Indian tribes. Upon request, and during the thirty-day

period, DAHP will meet with official representatives of any Native American tribe or group to discuss its interests, including, but not limited to, the proposed excavation methods. DAHP will consider comments received from tribal representatives in the issuance or denial of the permit and permit terms and conditions. Mitigation measures requested by the tribal representatives, including stipulations pertaining to the disposition of human remains, will be incorporated into the terms and conditions of the permit IAW 25 U.S.C. 3002 and RCW 27.44.040(1). If required by permit terms, the Grantee will take reasonable steps to allow reburial of any Native American human remains and associated objects discovered on the property in a timely manner. If the human remains and or associated objects are not Native American, the human remains and associated objects found on the Property will be transferred or reburied in a timely manner in accordance with permit terms or with state law (RCW 68.60.055) and at the expense of the Grantee. Until human remains and associated objects are transferred to State authorities, the Grantee will be responsible for all expenses associated with the appropriate transfer, disposition or curation of the remains and associated objects.

E. If any archaeological resource(s) or archaeological object(s) are inadvertently discovered, Grantee will ensure that work in the area will cease immediately and the discovery will be protected in place. The Grantee will immediately notify DAHP and obtain permits, as necessary, before work resumes.

F. In consultation with DAHP, Grantee will curate any excavated archaeological object(s) (as defined in 27.53 RCW), whether inadvertently discovered or discovered during a permitted excavation, consistent with the provisions of 36 CFR Part 79, at a federally accredited repository, with preference given to an affiliated tribe. The Grantee

will be responsible for expenses and fees associated with the proper handling, disposition, and curation of any excavated archaeological object(s).

SECTION IV: Inadvertent Discovery of Human Remains.

A. The Grantee will ensure that any person engaged in ground disturbing activity or who otherwise encounters or discovers skeletal human remains in or on the ground will act in accordance with RCW 27.44.055 and RCW 27.44.040 and will:

(i) Immediately cease any activity which may cause further disturbance;

(ii) Make a reasonable effort to protect the area from further disturbance; and

(iii) Report the presence and location of the remains to the Coroner and local law enforcement in the most expeditious manner possible;

B. If the local law enforcement agency and the Coroner determine that the skeletal human remains are not "Forensic remains" pursuant to RCW 68.50.010, it is expected that the Coroner will notify DAHP within two business days.

C. Pursuant to RCW 27.44.055, it is expected the State physical anthropologist will make an initial determination of whether non-forensic skeletal human remains are Native American or non-Native American to the extent possible based on the remains within two business days of notification of a finding of non-forensic remains. If the remains are determined to be Native American, it is expected that DAHP will notify all affected tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff person. DAHP will have jurisdiction over such remains until provenance of the remains is established amongst affected tribes.

D. Persons disturbing Native American graves inadvertently, including

disturbance through construction, mining, agricultural activity, or any other activity, will reinter the human remains under the supervision of the appropriate Native American tribe(s).

E. Construction activity may resume only as provided by the permit terms and in accordance with applicable state law. For projects conducted pursuant to Section 106 of the NHPA and its implementing regulations, construction activity may resume only upon written notice from the appropriate federal agency supporting the undertaking, following consultation with the DAHP.

SECTION V: Enforcement.

A. The Grantee will allow the Federal government and the DAHP or its designee, at all reasonable times and upon reasonable advance notice to Grantee, to inspect the property in order to ascertain whether Grantee is complying with the terms, conditions and restrictions of this Preservation Covenant.

B. The Grantee acknowledges the right of the Federal government and the DAHP, in addition to any other remedy available to either party now or hereafter under the law, to seek enforcement of this Preservation Covenant in the event of a violation of any of the terms, provisions or restrictions hereof and the Grantee further acknowledges the right of the Federal Government and the DAHP, or either of them, to institute suit to enjoin any said violation or require the restoration to archaeological resource(s) or archaeological object(s). Grantee further acknowledges the right of DAHP and/or the State of Washington to enforce RCW 27.53 and RCW 27.44. Grantee further acknowledges that affiliated federally-recognized Indian tribes have rights to enforce this Preservation Covenant, certain provisions of RCW 27.44 and to bring actions in appropriate proceedings to seek compliance with SEPA and the NHPA, as applicable.

C. Nothing in this Preservation Covenant in any way impacts Usual and Accustomed Area treaty rights. Upon reasonable advance notice to Grantee by the governing body of any federally-recognized Indian Tribe that is a successor in interest to a party to the Point Elliott Treaty of 1855, as ratified in 1859, Grantee will grant designated representatives of any such Indian Tribe access to the Property at reasonable times to inspect the Property in order to assess whether Grantee is complying with the terms, conditions and restrictions of this Preservation Covenant. Any Indian Tribe which believes that Grantee is not in compliance with the terms, conditions and restrictions of this Preservation Covenant will have all rights and remedies available under applicable law.

D. The Grantee acknowledges that any failure of the DAHP or the Federal government to exercise any right or remedy arising from this Preservation Covenant or arising from other terms and provisions contained in the Deed or any applicable law, will not constitute a waiver by, or limitation upon, the right of the DAHP or the Federal Government to exercise or use any other right or remedy at any time.

E. The United States of America, or its designee, will have no affirmative duty to the Grantee or any successor in title to this Deed to enforce any of the foregoing covenants.

F. The State law/state agency requirements of this Preservation Covenant shall not apply to any lands transferred back to federal ownership or to a federally-recognized Indian tribe.

G. If any provision of this Preservation Covenant or its application to any person or circumstance is held invalid, the remainder of this Preservation Covenant, or

the application of the Preservation Covenant to other persons or circumstances will not be affected.

APPENDIX C

COASTAL ZONE MANAGEMENT ACT
FEDERAL CONSISTENCY DETERMINATION

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 12, 2009

Col. Jeffery L. Stephenson
Department of the Air Force 62 AW/CC
100 Col Joe Jackson Boulevard, Suite 3100
McChord Air Force Base, Washington 98438

RE: Federal Consistency – Conveyance of Former Defense Fuel Support Point

Dear Col. Stephenson:

The Department of Ecology, Shorelands and Environmental Assistance Program received your letter regarding the transfer of the Mukilteo Defense Fuel Support Point property to the Port of Everett. The conveyance includes 20.9 acres of real property located within the City of Mukilteo, Snohomish County, Washington.

Upon review of the Program and Policy Analysis in your letter, Ecology agrees this project is consistent with Washington's Coastal Zone Management program and will have no effect upon Washington State coastal resources.

If you have any questions regarding this letter please contact Jessica Moore at (360) 407-7421.

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

cc: Jessica Moore, Ecology

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 62D AIRLIFT WING (AMC)

JAN 2 9 2009

MEMORANDUM FOR WASHINGTON DEPARTMENT OF ECOLOGY
ATTN: Ms. Loree Randall, Coastal Zone Management
P.O. Box 47600
Olympia, WA 98504-7600

FROM: 62 AW/CC
100 Col Joe Jackson Boulevard, Suite 3100
McChord AFB, WA 98438

SUBJECT: Federal Consistency Determination for the Conveyance of Former Defense Fuel Support Point

1. McChord Air Force Base plans to convey (transfer) the Mukilteo Defense Fuel Support Point to the Port of Everett, Washington and convey (transfer) 1.1 acres within the Support Point to the Secretary of Commerce. Attached is the Federal Consistency Determination for this transfer. McChord has determined that this land transfer will be undertaken consistent with the enforceable policies of Washington's Coastal Resources Management Program.

2. We request your concurrence with our determination. Please provide written concurrence for our records.

3. Please contact Valerie Elliott at (253) 982-3913 with any questions or comments.

JEFFREY L. STEPHENSON, Colonel, USAF
Commander

Attachment:
Federal Consistency Determination

FEDERAL CONSISTENCY DETERMINATION FOR THE CONVEYANCE OF FORMER DEFENSE FUEL SUPPORT POINT

MUKILTEO, WASHINGTON

This document provides the State of Washington with the U.S. Department of the Air Force's (Air Force) Consistency Determination under Section 307 (c) (1) of the federal Coastal Zone Management Act (CZMA) of 1972, as amended, for the transfer of the Mukilteo Defense Fuel Support Point (Tank Farm), owned by the Air Force, Department of Defense, to the Port of Everett, Washington and the transfer of 1.1 acres within the Tank Farm to the Secretary of Commerce.

Proposed Federal Agency Action

The U.S. Air Force intends to convey 20.9 acres of real property to the Port of Everett, Washington. The property consists of the former Mukilteo Tank Farm located within the City of Mukilteo. The Mukilteo Tank Farm is the subject of legislation authorizing the Secretary of the Air Force to convey the property without consideration to the Port of Everett. The statute authorizing the conveyance is Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of the Spence Act; 114 Stat. 1654A-436), enacted and signed into law in October 2000.

In 2001, the authorization was modified by Section 2858 of the National Defense Authorization Act for Fiscal Year 2002 (PL 107-107). The modification directed the Secretary of the Air Force to transfer a 1.1 acre tract within the Mukilteo Tank Farm to the Secretary of Commerce for future administration by the National Oceanic and Atmospheric Administration (NOAA). This tract is currently leased by NOAA for the NOAA Fisheries Mukilteo Research Center. The transfer to NOAA is not subject to environmental review because it qualifies as an Air Force categorical exclusion.

The purpose of this action is to convey 20.9 acres of the Mukilteo Tank Farm to the Port of Everett, Washington for development as a port facility and other public purposes as required by Congressional mandate. The Air Force will not be partaking in any physical alterations to or on the land as it now exists.

Background

The CZMA, enacted in 1972, created the National Coastal Management Program for management and control of the uses of and impacts on coastal zone resources. The program is implemented through federally approved state coastal management programs (CMPs).

Federal approval of a state CMP triggers the CZMA Section 307 federal consistency determination requirement. Section 307 mandates that federal actions within a state's coastal zone (or outside the coastal zone if the action affects land or water uses or natural resources within the coastal zone) be consistent to the maximum extent practicable with the enforceable policies of the state CMP. Federal agency actions include direct and indirect federal agency

activities, federal approval activities, and federal financial assistance activities. Accordingly, federal agency activities (direct, indirect, or cumulative) reasonably affecting the state's coastal zone must be fully consistent with the enforceable policies of the state's CMP, unless compliance is otherwise prohibited by law. There are no categorical exemptions or exclusions to or from the Section 307 federal consistency requirement.

The state of Washington has developed and implemented a federally approved CMP describing current coastal legislation and enforceable policies. Under the program, activities that impact any land use, water use, or natural resource of the coastal zone must comply with six laws, or "enforceable policies." These include the Shoreline Management Act, the State Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act.

Program and Policy Analysis

Statutes addressed as part of the Washington Coastal Management Program consistency review and considered in the analysis of the proposed action are noted in the following table.

Washington Coastal Management Program Consistency Review

Statute	Scope	Consistency
Shoreline Management Act	Designates preferred uses for protected shorelines. Provides for the protection of shoreline natural resources and public access to shoreline areas. Protected shorelines include the following: - Marine waters; - Streams with greater than 20 cubic feet per second of mean annual flow; - Lakes 20 acres or larger; - Upland areas, e.g., shorelands, that extend 200 feet landward from the edge of these waters; and - Wetlands and floodplains associated with any of the above waters.	CONSISTENT The proposed action will have no direct effect on any protected shoreline or shoreline natural resources as defined by the Shoreline Management Act.

Washington Coastal Management Program Consistency Review

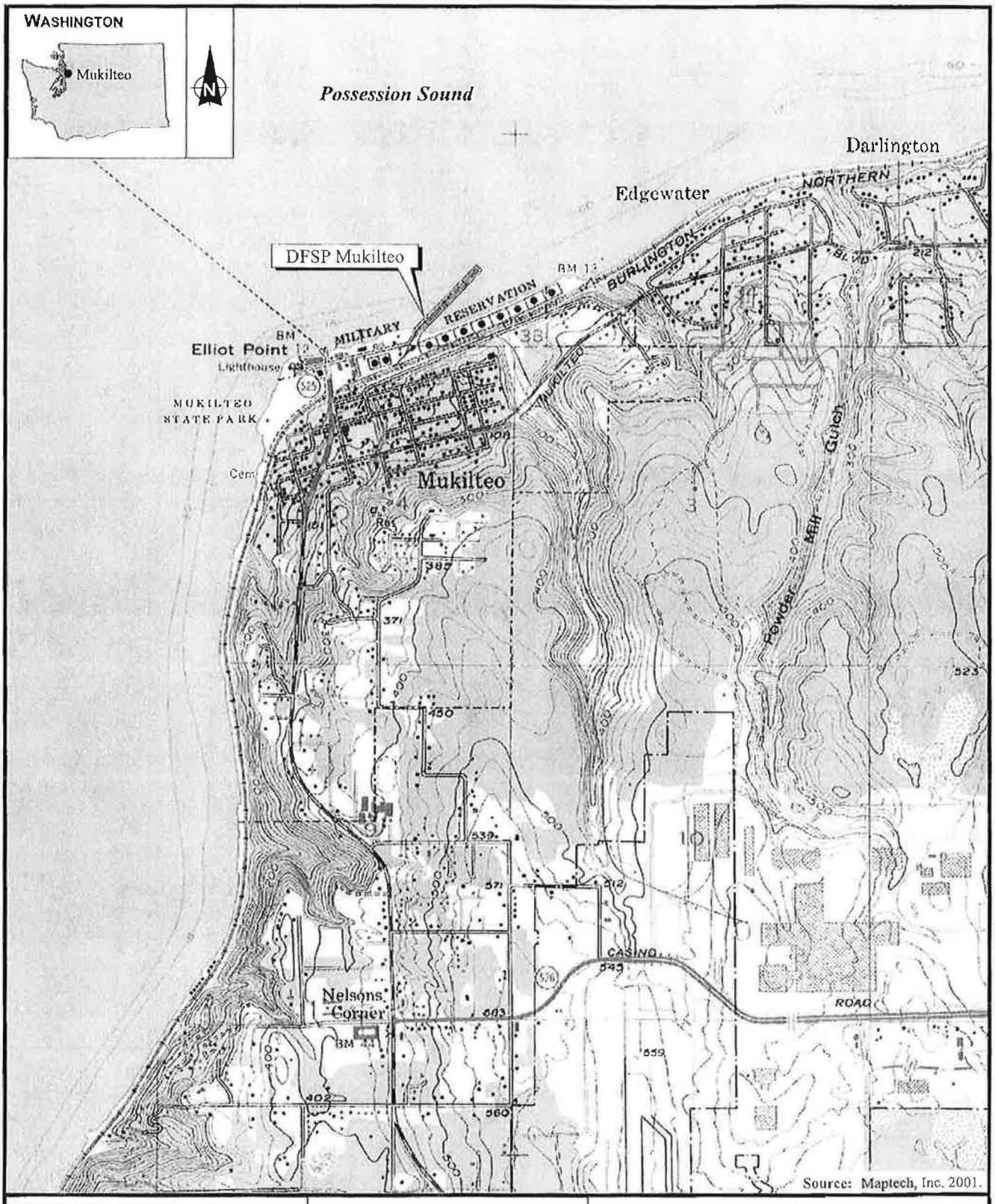
Statute	Scope	Consistency
State Environmental Protection Act	Requires state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the project.	NOT APPLICABLE The environmental consequences of the proposed action are being reviewed under the National Environmental Policy Act. State and local agencies will be provided an opportunity to review and comment on the environmental impacts of the proposed action. Consequently, a separate State Environmental Protection Act review is not required for the project.
Clean Air Act – Air Quality	Addresses the state's policy concerning air quality.	NOT APPLICABLE No construction or land development will be undertaken as part of this project. This project only involves the ownership transfer of a parcel of land.
Clean Water Act – Water Quality	Addresses the state's policy concerning water quality and wetlands.	NOT APPLICABLE No construction or land development will be undertaken as part of this project. This project only involves the ownership transfer of a parcel of land.
Ocean Resources Management Act	Addresses the state's policy for leasing tidal or submerged lands.	NOT APPLICABLE No construction or land development will be undertaken as part of this project. This project only involves the ownership transfer of a parcel of land. The project does not include any activities within Washington's tidal or submerged lands.

Washington Coastal Management Program Consistency Review

Statute	Scope	Consistency
Energy Facility Site Evaluation Council	Addresses the state's policy for permitting the development of new energy-generating facilities.	NOT APPLICABLE The land ownership transfer project does not include the construction of any energy-generating facilities.

Conclusion

We have determined the proposed land ownership transfer project will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of Washington's Coastal Resources Management Program.



ecology and environment, inc. International Specialists in the Environment Seattle, Washington	DEFENSE FUEL SUPPORT POINT (DFSP) MUKILTEO Mukilteo, Washington	Figure 1-1 PROJECT VICINITY MAP		
	0 1000 2000 Approximate Scale in Feet	Date: 11-17-05	Drawn by: AES	10:001856JA0901\fig 1-1

APPENDIX D

WASHINGTON STATE DEPARTMENT OF ECOLOGY SATISFACTION OF ENFORCEMENT ORDER – DEFENSE FUEL SUPPORT POINT MUKILTEO

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

May 22, 2006

Mr. Jack O'Donovan
Defense Energy Support Center, DFSC-FQ
8725 John J. Kingman Road, Suite 2941
Fort Belvoir, VA 22060-6222

RE: Satisfaction of Enforcement Order
No. DE 93TC-N268
Defense Fuel Support Point Mukilteo
Mukilteo, Washington

Dear Mr. O'Donovan:

In accordance with the above referenced Enforcement Order, the Department of Ecology (Ecology) is providing this written notification that the provisions of the Enforcement Order have been satisfied. No further monitoring is required and the remaining monitoring wells may be abandoned. Abandonment of the wells must be conducted in accordance with the requirements of Chapter 173-160 Washington Administrative Code (WAC), *Minimum Standards for Construction and Maintenance of Wells*.

If you have any questions, please contact me at (425) 649-7265 or bsat461@ecy.wa.gov.

Sincerely,

Brian S. Sato, P.E.
Toxics Cleanup Program

BSS:bs

cc: Ed Turner, Oasis Environmental

APPENDIX E

AIR FORCE FORM 813
FOR FEDERAL-TO-FEDERAL TRANSFER OF
1.1-ACRE LAND PARCEL

REQUEST FOR ENVIRONMENTAL IMPACT ANALYSIS		*Request Control Symbol* *RCS:*			
INSTRUCTIONS: *Section I to be completed by Proponent: Section II and III to be completed by Environmental Planning Function. Continue on separate sheets as necessary. Reference appropriate item number (s).*					
SECTION I - PROPONENT INFORMATION					
1. TO (Environmental Planning Function) TBD	2. FROM (*Proponent organization and functional address symbol)* HQ AMC/A7PI	2a. Telephone No.			
3. TITLE OF PROPOSED ACTION Conveyance of 1.1 acres of Mukilteo Tank Farm Property to the National Oceanic and Atmospheric Administration (NOAA)					
4. PURPOSE AND NEED FOR ACTION (*Identify decision to be made and need date)* The purpose of the Proposed Action is to transfer administrative jurisdiction over 1.1 acres of the Mukilteo Tank Farm (continued)					
5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVE (*DOPAA) (Provide sufficient detail for evaluation of the total action.)* The Proposed Action involves the transfer of a 1.1-acre portion of the Mukilteo Tank Farm (continued)					
6. PROPONENT APPROVAL (*Name and Grade)* TBD HQ AMC/A7PI	6a. SIGNATURE	6b. DATE			
SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY. (*Check appropriate box and describe potential environmental effects including cumulative effects.) (+ = positive effect: O = no effect: - = negative effect: U = unknown effect)*			+	O	-	U
7. AIR INSTALLATION COMPATIBLE USE ZONE/LAND (Noise, accident potential, encroachment, etc.)				✔		
8. AIR QUALITY (Emissions, attainment status, state implementation plan, etc.)				✔		
9. WATER RESOURCES (Quality, quantity, source, etc.)				✔		
10. SAFETY AND OCCUPATIONAL HEALTH (Asbestos/radiation/chemical exposure, explosives safety quantity-distance, etc.)				✔		
11. HAZARDOUS MATERIALS/WASTE (Use/storage/generation, solid waste, etc.)				✔		
12. BIOLOGICAL RESOURCES (Wetlands/floodlands, flora, fauns, etc.)				✔		
13. CULTURAL RESOURCES (Native American burial sites, archaeological, historical, etc.)				✔		
14. GEOLOGY AND SOILS (Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.)				✔		
15. SOCIOECONOMIC (Employment/ population projections, school and local fiscal imposts, etc.)				✔		
16. OTHER (Potential impacts not addressed above.)				✔		
SECTION III - ENVIRONMENTAL ANALYSIS DETERMINIATION						
17.	✔	PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) # A2.3.18 ; OR				
		PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX; FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED				
18. REMARKS The Air Force is preparing an environmental assessment (EA) to address the conveyance of approximately 18.85 acres of the Mukilteo Tank Farm out of Federal ownership to the Port of Everett. (continued)						
19. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION (Name and Grade) TBD HQ AMC/A7PI	19a. Signature	19b. Date				

AF IMT 813, AUG 93, CONTINUATION SHEET

4.Purpose and Need for Action (continued):

property to the Secretary of Commerce for the continuing operation of the Mukilteo Biological Field Facility by the National Marine Fisheries Service (NMFS) through the NOAA.

The need for the action is a result of the Military Construction Authorization Act for Fiscal Year 2001, which authorizes the Secretary of the Air Force to convey all right, title, and interest of the United States in and to the parcel of real property at the Mukilteo Tank Farm.

5. Description of Proposed Action and Alternatives (continued):

property associated with the Mukilteo Biological Field Facility of the NMFS to the Secretary of Commerce for its continuing operation as a research facility through NOAA. The conveyance of the property is the subject of special legislation authorizing the Secretary of the Air Force to convey all right, title, and interest of the United States in the property. The statute authorizing the conveyance is Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (Division B of the Spence Act; 114 Stat. 1654A-436), as amended.

18. Remarks (continued):

Additional National Environmental Policy Act (NEPA)/State Environmental Policy Act (SEPA) documentation will be prepared by the property recipient to analyze the potential environmental impacts of future construction and use of the property.

The extreme western end of the Mukilteo Tank Farm is located within a 100-year flood hazard area as established by the Federal Emergency Management Agency (FEMA). A portion of the property being transferred to the Secretary of Commerce is within this flood hazard area. Because the transfer is to another federal agency, a finding of no practical alternative in accordance with Executive Order 11988, Floodplain Management, is not required.

APPENDIX F

COMMENTS RECEIVED DURING PUBLIC REVIEW

Index of Commenters

Page	Document #	Author	Title/Agency
F-5	1	Timothy M. Smith, P.E. Director, Terminal Engineering Washington State Ferries	Washington State Department of Transportation
F-7	2	Allan Giffen Director, Planning and Community Development	Everett Department of Planning and Community Development
F-12	3	Melvin R. Sheldon, Jr. Chairman, Tulalip Tribes	The Tulalip Tribes
F-14	4	Christine B. Reichgott Manager, Environmental Review and Sediment Management Unit	U.S. EPA Region 10
F-16	5	Joe Marine Mayor	City of Mukilteo
F-18	6	Les Reardanz Chief Administrative Officer	Port of Everett
F-19	7	Marcia Monma	College Search Consultants
F-20	8	Peggy Toepel President	Everett Shorelines Coalition

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Washington State Department of Transportation

Paula J. Hammond, P.E.
Secretary of Transportation

WSDOT Ferries Division (WSF)
2901 3rd Avenue, Suite 500
Seattle, WA 98121-3014

206-515-3400
TTY: 1-800-833-6388
www.wsdot.wa.gov/ferries

David H. Moseley
Assistant Secretary for
Washington State Ferries

September 19, 2012

U.S. Air Force
ATTN: Earl D. Allbright, GS-14, USAF
507 Simonton Drive
Scott AFB, Illinois 62225-5022

RE: 2012 Draft Environmental Assessment
Transfer of the Mukilteo Tank Farm Property

Dear Mr. Allbright:

The Washington State Department of Transportation, Ferries Division (WSF) has reviewed the August 2012 Draft Environmental Assessment (EA) for the USAF transfer of the Mukilteo Tank Farm to the Department of Commerce (NOAA) and the Port of Everett. Thank you for the opportunity to provide comments on this transfer of property.

USAF has been very responsive to our previous feedback and we appreciate that. We only have a few comments at this time, primarily about the description of our Mukilteo Multimodal Project.

As currently written, the EA includes descriptions and effects of projects by others within the description of the Mukilteo Multimodal Project. Since the cumulative effects analysis is organized by project, we feel this has the potential to create undo confusion for readers and makes it difficult for them to easily see which projects USAF considered in the analysis. We have included some ideas for how these projects could be more clearly addressed in our comments, which are attached for your consideration.

If you have questions about our comments, please contact Nicole McIntosh, Design Engineering Manager, at 206.515.3714, or email mcintosh@wsdot.wa.gov.

We look forward to the successful completion of the Mukilteo Tank Farm property transfer.

Sincerely,

Timothy M. Smith, P.E.
Director, Terminal Engineering
Washington State Ferries

PK:pk
Enclosure
cc: Project File

Washington State Ferries Comments on the August 2012 USAF Draft Environmental Assessment Transfer of the Mukilteo Tank Farm Property

Page No.	Line No.	Exhibit No.	Comment
3-29	36		Suggest changing the title of this section to "Archaeological Resources" since some of the resources discussed are not prehistoric.
4-10		Fig. 4-1	The location of the line illustrating "lowest tide" is not in the correct location. Please revise.
4-10		Fig. 4-1	Employee parking is not planned north of the toll booths. Please remove this from the figure.
4-10		Fig. 4-1	Please change the label for the parking structure to identify it as the "Sound Transit Parking Structure" to more clearly differentiate it from the Mukilteo Multimodal Project.
4-10		Fig. 4-1	The parking area identified as Sound Transit patron parking is intended to replace on-street parking removed by the Mukilteo Multimodal Project. It is separate from the Sound Transit parking to the east. Please make this distinction on the figure.
4-10		Fig. 4-1	Please identify the transit center east of the ferry passenger terminal on the figure.
4-11	17		The parking structure described here is not part of the proposed ferry terminal project and it could confuse readers to discuss it here. Since it would be developed by Sound Transit primarily to support the Mukilteo Rail Station (not the ferry terminal), it would be more appropriate to remove references to it from this section and other discussions of the Mukilteo Multimodal Project and address it as part of the Sound Transit Mukilteo Station Expansion in this chapter.
4-11	42-45		The daylighting of Japanese Creek is not part of the proposed ferry terminal project and it could confuse readers to discuss it here. We suggest that separate sections be created in this chapter to describe and address the effects of the daylighting and reasonably foreseeable City of Mukilteo projects.
4-12	1-11		These projects are not part of the proposed ferry terminal project and it could confuse readers to discuss them here. We suggest that separate sections be created in this chapter to describe and address the effects of these reasonably foreseeable City of Mukilteo projects and the daylighting of Japanese Creek.
4-14	24-26		The loss of on-street parking as a result of the Mukilteo Multimodal Ferry Terminal project would be offset by additional off-street surface parking located west of the Sound Transit Mukilteo Station, not by a parking structure. Please revise.
6-4	36-38		Please change the citation to Washington State Department of Transportation/Federal Transit Administration (WSDOT/FTA), 2012.

PLANNING AND COMMUNITY DEVELOPMENT

Allan Giffen
Director

September 27, 2012

Mr. Earl D. Allbright,
Chief, Integrated Planning Branch
Programs Division
Directorate of Installations and Mission Support
HQ AMC/A7PI
507 Symington Drive
Scott AFB, IL 62225

RE: City of Everett Comments on Draft Environmental Assessment for Transfer of the Mukilteo Tank Farm Property

Dear Mr. Allbright,

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) for the transfer of the Mukilteo Tank Farm property.

The City of Everett jurisdiction includes the eastern most portion of the former tank farm property, as shown in Figures 3-4 and 3-5 in the EA. In order to allow the construction of the Port of Everett aerospace rail/barge facility, the Port prepared an Environmental Impact Statement (EIS) and obtained a Shoreline Permit from the City of Everett. In the EIS there is an in-depth discussion of the impact of the proposed rail/barge facility on the public access occurring at Edgewater Beach (this structure covers a portion of Edgewater Beach and limits access to a large portion of the remaining beach area).

As part of the Shoreline Permit (SMA#04-005) approval, several specific conditions were placed to off-set the impact of pier construction on existing public access. The specific public access conditions from the Ports Shoreline Permit are as follows:

16. The project should avoid planting the Black Cottonwoods and the Douglas Firs in locations where they would be likely to block views due to their height.

17. All exterior lighting shall be directed downward onto the site and away from other shoreline properties or nearby neighborhoods.

18. The Port must develop for review and approval by the Planning Department a detailed landscaping plan for both the nearshore treatment (native vegetation) and the parking lot and adjacent public areas. Vegetation should be planted in clusters and trees should be selected to minimize view impact from adjacent residential properties.

19. The applicant will be required to comply with all applicable standards in Section 19.30.050 of the Everett Municipal Code and must prepare a Floodplain Development Permit application

CITY OF EVERETT • 2930 Wetmore Avenue, Suite 8-A • Everett, WA 98201 • (425) 257-8731 • Fax (425) 257-8742

packet certifying the elevation of site prior to construction and by providing a fully completed elevation certificate based on finished construction, as a condition of final inspection.

20. Public access improvements must be provided by this project and generally comply with the public access plan attached to this application (see Exhibit #9). The Port has adopted a resolution committing 2% of project capital cost to public access improvements. The Port must submit documentation of the estimated total public access improvement costs to the City prior to the issuance of construction permits, and if the public access expenditures are not at least 2% of the project's capital cost, as specified by the Port's public access Resolution No. 751, the Port must provide additional public access improvements in an area acceptable to the City of Everett, or a fee in lieu of improvements for the balance to the City, for off-site public access improvements.

21. Required public access improvements shall be fully developed and available for public use at the time the rail/barge pier is operational, unless there are mitigating circumstances and an assurance device acceptable to the Planning and Community Development Director is in place.

22. The standard state approved logo or other signs approved by the Planning and Community Development Director that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant.

23. Public beach access will be designed in accordance with locally adopted plans and policies. The Port's public access design must provide the following:

- Provide shoreline public access improvements as part of the constructed project that are consistent with applicable Everett and Mukilteo plans and codes, including the City of Everett's 2003 Waterfront Public Access Plan.
- Minimize interruption to existing shoreline public access during construction of the selected alternative to the maximum extent feasible.
- Construct shoreline public access improvements that allow for public beach and shoreline access under the constructed pier during normal daily tidal phases lower than Mean High Higher Water (MHHW).
- Provide for improved handicapped shoreline public access as part of the constructed project.
- Provide shoreline public access supportive upland improvements. These improvements could include but not be limited to: (1) handicapped accessible vehicle loading zone; (2) gates and fencing to provide improved pedestrian safety and evening closure security; (3) trash containers, information signage, landscaping, stormwater collection/treatment and site lighting; and (4) replacement public parking for shoreline access users.
- Provide shoreline public access improvements that assist in making the City of Everett to City of Mukilteo connection called for in the Everett Waterfront Public Access Plan.
- Provide shoreline public access improvements that are consistent with beach enhancement and other ecological system conservation and restoration objectives.
- Provide shoreline public access improvements that will improve the ability of the Port and its two cities to obtain state and federal funding for adjoining public access improvements.
- The Port conducted a public workshop on August 31, 2004 to discuss public access opportunities for this development. The conceptual scheme shown in Exhibit #9 is a result of the workshop, as well as discussions from staff at the cities of Everett and Mukilteo.

24. Parking facilities must be provided in conjunction with the proposed public access improvements in a manner generally consistent with the public access improvements depicted in Exhibit # 9.

25. Public access improvements shall include provisions for persons with disabilities, where reasonably feasible.

26. The Port shall remove the remnant creosote-treated pilings and removal or cover with minimum two feet of beach restoration materials of the remnant riprap from failed shoreline protection near the base of the planned pier.

27. Beach restoration shall be provided by the Port through the addition of fine-grained material (e.g., 1-inch minus sand and gravel on the surface) in front of the railroad fill along 1100 feet of beach in the project area (Section 4.1.4.2). The material must be placed in the upper intertidal zone between elevations of approximately +15 and +5 feet MLLW. The intent would be to supply sediment to restore a more natural and complete beach profile with storm berm and backshore that would allow accumulation of woody debris and development of native riparian vegetation (approximately 0.2 acres). The native riparian vegetation must be maintained by the Port of Everett until established. The project will provide a more gradual sloping beach through the upper intertidal zone. The total area of beach restoration would be approximately 2.3 acres.

28. If the City determines it has no needed function, the Port shall remove the concrete vault at the outlet of Edgewater Creek.

29. Eelgrass shall be transplanted by the Port in advance of, and concurrent with construction to expand existing beds in the project area to offset loss of eelgrass productivity caused by piling placement and overwater shading from the pier structure. The area receiving eelgrass transplanting will be 150 percent of the area significantly shaded by the pier (e.g., 1,100 sf for the approximately 700 sf shaded).

30. If an impact hammer must be used to drive steel pipe piles, an air bubble curtain shall be used to reduce sound pressures in adjacent waters.

31. The applicant shall implement the adaptive management program contained in the Conservation Measures and Monitoring Plan (CMMP) for the rail/barge facility project (see Appendix F of the Revised Draft Port Rail/Barge Transfer Facility Biological Evaluation, March 3, 2004).

32. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties and in a manner consistent with the City of Everett Land Use Code, unless a Landscape Modification is approved by the Planning Director or Hearing Examiner, per EMC 19.35.070. Public view parking shall not interrupt, restrict, or diminish public access. Public view parking planned for the western portion of this site shall be separated from other public access features by a low hedge or screen.

33. Solid waste collection facilities in shall be located, constructed, and screened so as to prevent impacts related to health and sanitation, water quality, odor, aesthetics, and public safety. Containers shall be covered, and stormwater runoff shall be treated per City standards.

34. All shoreline areas disturbed by construction and maintenance shall be replanted and stabilized by the Port. Such vegetation shall be maintained until established.

35. Where utility construction or maintenance activities will result in disruption of shoreline vegetation, Port plans shall include provisions for temporary soil stabilization during construction and for the site to pre-construction appearance upon completion of the project.

36. Security lighting must be designed to minimize glare to the night sky, surrounding community, and marine resources to reduce the potential visual impact it could cause. To reduce potential impact, security lighting will be designed to minimize glare to the night sky, the surrounding community, and the water surface.

37. In the final design for the beach restoration project, the Port will examine the feasibility of daylighting Edgewater Creek where it exits the existing culvert to create a meandering open channel through the restored beach.

Please note for the record that in Section 4.12.3 **Port of Everett Rail/Barge Transfer Facility (Mount Baker Terminal)** EA there is no mention of the Port's obligation to provide public access on the rail/barge facility site. Also in Section 4.12.4.3 **Transportation-Port of Everett Rail/Barge Transfer Facility (Mount Baker Terminal)** the 35 space public access parking lot should be mentioned. These improvements are further detailed in the Public Access Conceptual Plan and Beach Restoration provided as an attachment.

A number of these improvements are in place, but the public cannot access this area, in part, because of the Air Force's continued ownership of the tank farm property. The City of Everett supports the transfer of this property to the Port of Everett as soon as possible, so all required public access improvements can be finalized and the Edgewater Beach is reopened for use by the general public.

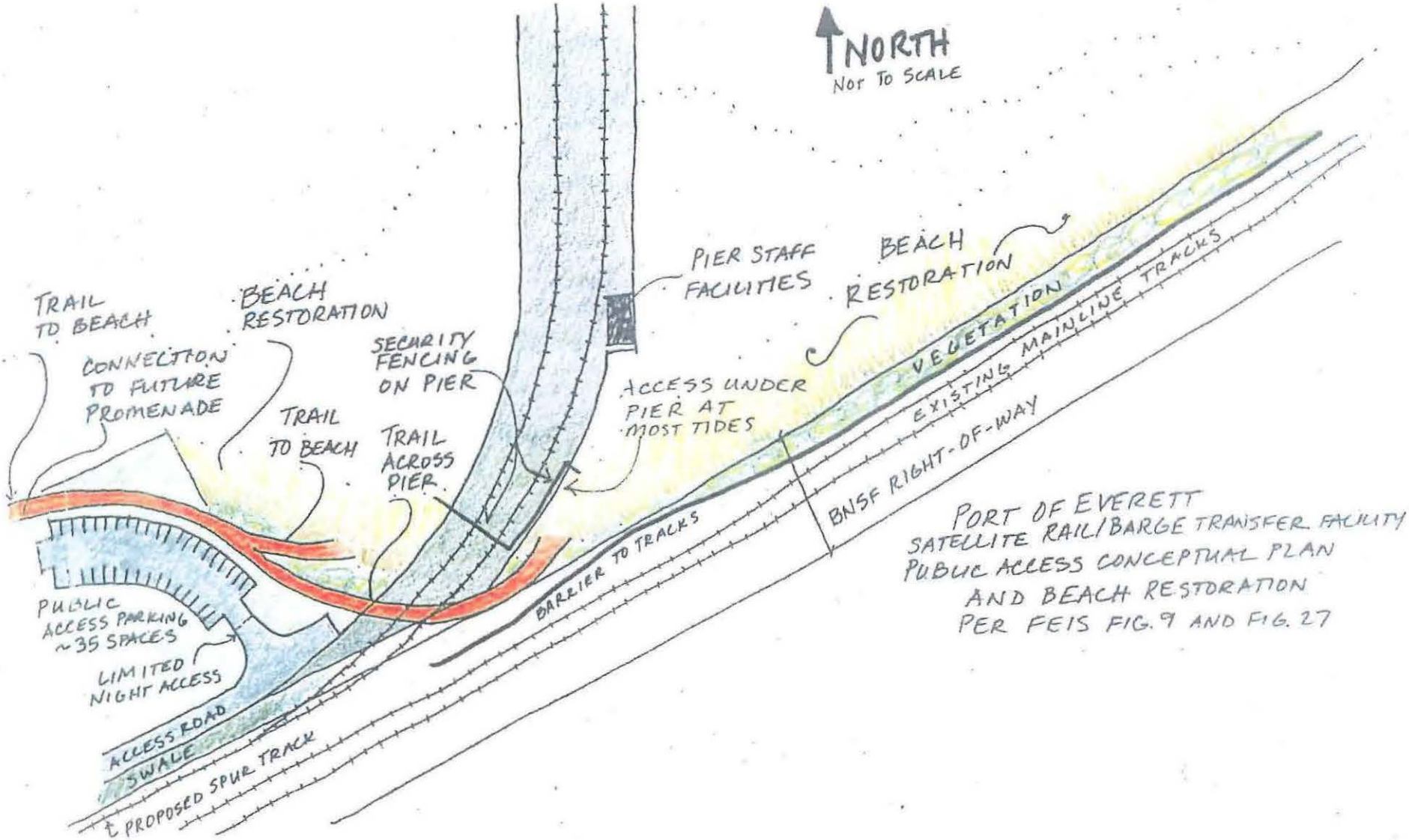
Thank you again for the opportunity to comment on the Transfer of the Mukilteo Tank Farm Property.

Sincerely,

Allan Giffen, Director
Planning and Community Development

Attachment

cc: Pat McClain, Executive Director Government Affairs
Dave Koenig, Long Range Planning Manager
Gerry Ervine, Land Use Manager
Heather McCartney, City of Mukilteo
John Klekotka, Port of Everett


NORTH
Not To Scale
TRAIL TO BEACH
CONNECTION TO FUTURE PROMENADE
BEACH RESTORATION
TRAIL TO BEACH
SECURITY FENCING ON PIER
TRAIL ACROSS PIER
PIER STAFF FACILITIES
ACCESS UNDER PIER AT MOST TIDES
BEACH RESTORATION
VEGETATION
EXISTING MAINLINE TRACKS
BNSF RIGHT-OF-WAY
BARRIER TO TRACKS
PUBLIC ACCESS PARKING ~35 SPACES
LIMITED NIGHT ACCESS
ACCESS ROAD
SWALE
℄ PROPOSED SPUR TRACK
PORT OF EVERETT
SATELLITE RAIL/BARGE TRANSFER FACILITY
PUBLIC ACCESS CONCEPTUAL PLAN
AND BEACH RESTORATION
PER FEIS FIG. 9 AND FIG. 27

THE TULALIP TRIBES

Board of Directors:

Mel Sheldon - Chairman
Deborah Parker – Vice-Chairwoman
Chuck James - Treasurer
Glen Gobin - Secretary
Marlin J. Fryberg, Jr, – Board Member
Don Hatch, Jr. - Board Member
Mark Hatch - Board Member
Sheryl Fryberg - General Manager

6406 Marine Dr. TULALIP, WA 98271
Phone (360) 716-4000
FAX (360) 716-0606

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and bands signatory to the Treaty of Point Elliot

Earl D. Allbright, GS-14
Chief, Integrated Planning Branch
HQ AMC/A7PI
507 Symington Drive
Scott AFB. IL 62225

RE Draft Environmental Assessment for Transfer of the Mukilteo Tank Farm Property

Dear Mr. Albright,

The Tulalip Tribes are a federally recognized Indian tribe comprised of a confederation of Snohomish, Snoqualmie, Skykomish people and allied bands who reside on the Tulalip Indian Reservation. The Reservation was established pursuant to the Treaty of Point Elliot of January 22, 1855 (12 Stat. 927) and by the Executive Order of December 23, 1873. In the Treaty of Point Elliot, The Tulalip Tribes reserved their rights to exercise traditional activities such as fishing, shellfish harvesting, hunting, and gathering in their historical grounds. In furtherance of protecting their treaty rights, the Tulalip Tribes exercise co-management authorities over natural and cultural resources in their traditional areas with federal, state, and local governments.

This letter is in regards to the Draft Environmental Assessment (DEA) for the Transfer of the Mukilteo Tank Farm property in Washington. The Tulalip Tribes have the following comments for your consideration:

- The Cultural Resources sections of chapter 3, does not adequately describe the prehistory use of the Tank Farm properties. The Mukilteo Tank Farm is located at a site that was previously occupied and managed by the aboriginal Snohomish Tribe. There is a shell midden located under a large portion of the tank farm property, as motioned in the DEA, that is a remnant of the thousands of years that the Snohomish tribe occupied and managed the property. In the DEA, Chapter 3, Section 3.11.1, Page 3-30 in the paragraph starting at line 18, the DEA mentions the shell midden under the site but does not state anything about the Tribe that resided there. The DEA should be amended to refer to the findings in the Report on Heritage Resources Investigations at the Mukilteo Ferry Terminal Site prepared by Northwest Archaeological Associates ("NWAA Heritage Report"). The NWAA Heritage Report documents that the property is located in the traditional territory of the Snohomish tribe, "presently the largest Native group that occupies the Tulalip Indian Reservation north of the City of Everett and Possession Sound." *NWAA Heritage Report pp 15-16.* The Tulalip Tribes is the adjudicated legal successor to the Snohomish Tribe. *United States v. Washington*, 459 F. Supp. 1020, 1039, 1058-1060 (W.D. Wash (1978); and *United States v. Washington*, 626 F. Supp. 1405, 1527-1532 (W.D. Wash. 1985), *aff'd*, *United States v. Lummi Indian Tribe*, 841 F. 2d 317 (9th Cir. 1988).

As mentioned in the DEA, the Treaty of Point Elliot was negotiated and signed at Mukilteo. The last paragraph of Section 3.11.1 on page 3-31 states that since the Treaty signing site has not been conclusively identified and a National Register determination has not been made. There should be more information in this section describing the Treaty signing event.

At the request of Governor Stevens, thousands of people representing the tribal governments from the Canadian Boarder south to Mount Rainier and from the islands in Puget Sound to the crest of the Cascade mountains came to Mukilteo to negotiate a treaty with the United States. The parties to the negotiations camped out along the shoreline in mid-January of 1855 to negotiate the Treaty. Although the exact site of the Treaty signing on January 22nd, 1855 is currently unknown, do the sheer number of people that were there, they most likely occupied the entire area from what is now Lighthouse Park through the tank farm area and from Puget Sound to the base of the cliffs. Most of the people present would have been camped out along the shoreline with an area set aside for the negotiations to take place. The Governor also had warships anchored off shore.

After the Treaty signing, the members of the Snohomish Tribe moved to what is now the Tulalip Reservation along with the Snoqualmie, Skykomish and allied bands. The tribes agreed to take the name Tulalip from the small embayment in the middle of their reservation shoreline. The Tulalip Tribes are the successor in interests for these tribes concerning all rights reserved in the Treaty of Point Elliot.

Thank you for your consideration of these comments and also for the way that the Air Force incorporated most of the tribes comments concerning the preservation covenant into the new version that was released on September 5, 2012. Our comments are based on the assumption that the revised preservation covenant will apply to the transfer.

Sincerely yours,

Melvin R. Sheldon, Jr.
Chairman

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

September 26, 2012

Mr. Earl D. Allbright, Chief
Integrated Planning Branch
Programs Division
Directorate of Installations and Mission Support
U.S. Air Force
Headquarters Air Mobility Command/A7PI
507 Symington Drive
Scott AFB, Illinois 62225

Re: Draft Environmental Assessment for Transfer of the Mukilteo Tank Farm Property

Dear Mr. Allbright:

The U.S. Environmental Protection Agency has reviewed the Draft EA for Transfer of the Mukilteo Tank Farm Property. We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for inviting our participation.

We support the proposed action to transfer the Mukilteo Tank Farm property to the Port of Everett for use as a new Washington State Ferry Terminal at Mukilteo. In our review we noted several statements that pertain to dredging, potential movement of contaminated sediments, and related issues. To ensure consistency with our comments submitted to FTA and Washington State Ferries regarding their EIS for the proposed new Mukilteo Ferry Terminal, we have the following specific comments and recommendations for the USAF EA, which pertain to those same issues noted above:

CERCLA Sites (contaminated soil and sediments), page 4-19, lines 1-6. We recommend the EA incorporate the following modifications: The Dredged Material Management Plan would be prepared per the Clean Water Act Section 404 permit, and would be reviewed by the Corps, Ecology, the EPA, and Washington DNR to ensure all sediments, including contaminated and uncontaminated, are handled and disposed properly.

Polychlorinated Biphenyls, page 4-20, lines 3-8. We recommend including the results from Washington State Ferries, 2012. Any contaminants above SQS should be mentioned here.

Ordnance, page 4-20, lines 9-13. The issue of whether or not there are significant impacts from past munitions operations on the property will be reconsidered and assessed during permitting. The information from the Navy's surveys will be brought forward at that time.

Mukilteo Multimodal Ferry Terminal -- Geology, page 4-21, lines 9-11. We disagree with the statement that "Sedimentation patterns would not be significantly altered." The assessment of propeller wash and effects to immediate and adjacent shoreline will be required.

Page 4-22, lines 1-4. We recommend adding that the addition of propeller wash forces could also disrupt sediment transport patterns.

Water Resources, Mukilteo Multimodal Ferry Terminal, Sediment, page 4-24, lines 34-38. The issue of re-suspension of bottom sediments due to ferry propeller wash may be a more substantial issue than depicted here. We are unaware of any "regulated threshold for re-suspension of bottom sediments." The extent to which bottom sediments are re-suspended and the sediment effect footprint must be determined to assess project size and effects and will require review during permitting. We recommend modifying this section to indicate this.

Construction, page 4-25, lines 22-34. We recommend indicating in the EA that the potential for suspended sediments and turbidity plumes due to construction activities will be assessed during the permitting process.

Biological Resources, Mukilteo Multimodal Ferry Terminal, Sensitive Habitat, page 4-32, lines 1-12. We recommend this section also address whether or not there is any mudflat and/or nearby kelp habitat. In addition to disturbances from removal of the existing pier and construction of the new ferry terminal, the EA should address sediment transport effects to sensitive habitats from ferry propeller wash.

Thank you for the opportunity to review and offer comments on the Environmental Assessment for Transfer of the Mukilteo Tank Farm Property. If you have questions regarding these comments or need more information, please contact me at (206) 553-1601 or by email at reichgott.christine@epa.gov, or you may contact Elaine Somers of my staff at (206) 553-2966 or by email at somers.elaine@epa.gov, or Justine Barton of my staff at (206) 553-6051 or by email at barton.justine@epa.gov.

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

CITY OF MUKILTEO

11930 Cyrus Way – Mukilteo, WA 98275

September 18, 2012

Mr. Earl D. Allbright
Chief, Integrated Planning Branch
HQ AMC/A7PI
507 Symington Drive
Scott, AFB, IL 62225

RE: DEA for Transfer of the Mukilteo Tank Farm Property

Mr. Doug Allbright:

The City Council and Mayor of Mukilteo, Washington are forwarding the attached comment sheet related to our review of the Draft Environmental (DEA) Impact Statement for the Transfer of the Mukilteo Tank Farm Property.

We want to commend your outstanding work for bringing this project to conclusion, since you took responsibility in 2009. It has only been with your steadfast diligence along with AF's two attorneys that gave flight - bringing it to conclusion in the near future. We, of course, wish you well in retirement, but also hope that those who will be responsible for closeout of this project will pursue this with the same passion and insight. We also commend the Air Force's efforts to assign the right staff to allow for this long awaited transfer.

The DEA identifies the many layered issues related to this site and fairly assesses the impacts and also lays out strategies that will be used to address any unknown risks. The intergovernmental team, assisted with your guidance, has developed a clearer understanding of the limiting parameters under which any redevelopment can be undertaken. We will use this understanding to direct redevelopment and uphold the long-term non-disturbance protection needed to carryout waterfront access, multimodal transit, NOAA's marine research and other uses forward.

On behalf of myself and the City Council, thank you and your team for all of their efforts in helping this project to move forward.

Sincerely,

Joe Marine

Joe Marine
Mayor
(425) 263-8017
Em: mayor@ci.mukilteo.wa.us

Ec: City Council & CA
Planning & CD Director
MOU Coordinating Committee
Attachment: Comment Sheet

Comment Response Matrix
Mukilteo Tank Farm Transfer EA
AMC/HQ

#	Location			Comment	Reviewer	Agency Response
	Page	Line	Section			
0	*1-1*	*17*	*1.1.1*	*Example Comment. I love the Pacific Northwest*	*MUK*	*You Bet*
1	4-14	15	4.12.4.2	Vehicle holding, transit facilities, and parking/garage are part of the Ferries/ST/Transit Multimodal "Essential Public Facility". The ferry is water dependent and thus all of the parts fall under this classification. Water quality treatment is an essential part of the design.	*Mukilteo*	
2	4-14	17	4.12.4.2	The ferry terminal ~~partially~~ conforms for continuous public access with pedestrian access provided up and over the vehicle loading using elevators and stairs.	*Mukilteo*	
3	4-15	22	4.12.4.3	First Street would be realigned and extended ~~west~~ east as a four-lane	*Mukilteo*	
4	4-15	29	4.12.4.3	Passengers with vehicles, longer peak periods…	*Mukilteo*	
5	4-15	37	4.12.4.3	…, vehicle queuing along SR 525 would continue during peak periods.	*Mukilteo*	
6	4-16	10	4.12.4.3	Change text as Left hand turn lanes were completed in 2011 and resolved this LOS issue. The analysis for WSF was before the improvement of which a portion was funded by the WSDOT.	*Mukilteo*	
7	4-16	21	Non-vehicle Traffic.	Mention should be made that pedestrian-bike improvements on SR 525 and/or a proposed second level pedestrian walkway are needed.	*Mukilteo*	
8	4-17	21-22	Port of Everett Rail/ Barge TF	This crossing would continue to be ~~closed~~ open to vehicles ~~to restrict access, but would be open~~ and pedestrians…	*Mukilteo*	

From: Les Reardanz [mailto:lesr@portofeverett.com]
Sent: Thursday, September 27, 2012 10:40 AM
To: ALLBRIGHT, EARL D GS-14 USAF AMC A7/A7PI; ALBRECHT, RYAN J Maj USAF AMC AFLOA/JACE-FSC; John Klekotka
Subject: RE: Tank Farm Partnership Agenda September 12, 2012

Good morning Doug. Glad to hear comments you're receiving are positive.

We submitted our comments during the "informal" team review and it looked like the concerns were addressed.

Cheers,
Les

From: collegesearchconsultants@gmail.com
[mailto:collegesearchconsultants@gmail.com] On Behalf Of CSC
Sent: Friday, September 21, 2012 9:52 PM
To: ALLBRIGHT, EARL D GS-14 USAF AMC A7/A7PI
Cc: roderoh@wsdot.wa.gov
Subject: Environmental Assessment - Mukilteo Tank Farm

Mr. Doug Allbright,

The Mukilteo Tank Farm is such an eye-sore and most likely an environmental hazard in itself, that it is probably necessary to clean it up before it becomes a disaster in any case. (i.e. earthquake, tsunami, high seas, or tornado like recently touched down on Whidbey.) So I would be in favor of the site being used for something more "useful". However, I believe that there should be Federal funds to help clean up this site. Transferring ownership to Port of Everett, should not put the burden of the cleanup on the local communities' taxpayers.

Also any new plan really should consider having more than one ferry slip, even if only one is operational, at least another ferry could be docked if something were to happen to both Clinton slips.

Marcia Monma
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Marcia Monma

September 24, 2012

Mr. Doug Allbright
HQ AMC/A 7P1
507 Symington Drive
Scott AFB, IL 62225

Comment re: Draft Environmental Assessment, Mukilteo Tank Farm Property Transfer, 2012

Everett Shorelines Coalition (ESC) is an all-volunteer citizens organization that since 2002 has worked in support of healthy ecological functions along the shorelines of Port Gardner Bay and the Snohomish River, and shorelines uses that are consistent with the public interest.

We thank the U. S. Air Force for clarifying the basis and conditions of transfer of the Tank Farm facility for appropriate public purpose, and for persevering in conduct of the public process. This 2012 EA has thoroughly and satisfactorily addressed the main concerns expressed in our previous comments upon the July 2010 Draft EA.

We look forward to eventual productive utilization of the Tank Farm property in the public interest

Peggy Toepel, President
Everett Shorelines Coalition,
P.O. Box 13288, Everett, WA 98206
425-290-6274